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Book No. 9nd

GOVERNMENT OF INDIA MINISTRY OF LABOUR

THE INDIAN LABOUR CONFERENCE

EIGHTH SESSION

Held at New Delhi on the 21st and 22nd April, 1947

SUMMARY OF PROCEEDINGS

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PRESENT

CENTRAL GOVERNMENT

Delegates.

1. The Hon'ble Shri Jagjiwan Ram, Labour Member, Government of India. (Chairman).
2. The Hon'ble Mr. S. Lal, C.I.E., I.C.S., Secretary, Labour Department.

Advisers.

1. Mr. V. Narayanan, Joint Secretary, Labour Department.
2. Mr. N. C. Shrivastava, I.C.S., D.G.R. & E.
3. Mr. S. C. Joshi, M.A., LL.B., Chief Labour Commissioner.
4. Mr. C. P. Srivastava, Officer on Special Duty, Commerce Department.
5. Mr. K. D. Jones, Director of Employment Exchanges.

Observers.

1. Mr. E. U. Damodran, Dy. Secretary, Defence Department.
2. Lt. Col. A. F. F. Thomas, M.B.E., Armed Forces Headquarters.

PROVINCIAL GOVERNMENTS

Madras.

Rao Sahib C. G. Reddi, Dy. Chief Inspector of Factories, Madras. (Delegate).

Bombay.

Mr. D. G. Kale, Dy. Director of Labour, Bombay. (Delegate)

Bengal.

Mr. S. E. A. B. Murshadi, Labour Commissioner, Bengal. (Delegate)

Bihar

Mr. S. R. Bose, Assistant Labour Commissioner. (Delegate)

United Provinces.

Mr. B. B. Singh, I.C.S., Labour Commissioner, U. P. (Delegate).

Central Provinces and Berar.

Sardar Bahadur Ishar Singh, Labour Commissioner, C. P. (Delegate)

Punjab.

Mr. W. G. Kennedy, I.C.S., Secretary, Electricity Department. (Delegate)

Mr. Nasir Ahmed, O.P.E., I.C.S., Director of Industries. (Adviser)

N. W. F. P.

Mr. D. M. Sapra, Marketing Officer, Peshawar. (Delegate)

Sind.

Dr. S. T. Merani, Assistant Labour Commissioner, Sind. (Delegate)

Delhi.

Lala Raj Narain, Labour Officer, Delhi. (Delegate)

INDIAN STATES

Mysore.

Mr. O. S. Sherrif, Minister for Law, Mysore. (Delegate)

Mr. B. G. A. Mudaliar, Labour Commissioner. (Adviser)

Baroda.

Mr. C. V. Bhatt, Director of Industries. (Delegate)

Mr. N. B. Cama, Labour Commissioner. (Adviser)

Travancore.

Mr. V. K. Velayudhan, Labour Commissioner. (Delegate)

Indore.

Mr. Swami, Director of Industries. (Delegate)

Gwalior.

Mr. N. D. Gupta, Labour Officer. (Delegate)

Hyderabad.

Mr. M. A. Mirza, Labour Commissioner. (Delegate)

H. H. Chancellor's Secretariat.

Mr. M. P. Prasad, Deputy Secretary (General), New Delhi.

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WORKERS' ORGANISATIONS.

ALL-INDIA TRADE UNION CONGRESS

Delegates.

1. Mr. S. A. Dange, M.L.A. (Bombay), President, All-India Trade Union Congress, Bombay.
2. Mr. Dinker Desai, Assistant Secretary, All-India Trade Union Congress, Bombay.
3. Mr. R. K. Bhogale, President, Gijni Kamgar Union, Bombay.
4. Mr. Peter Alvarez, Treasurer, All-India Trade Union Congress, Bombay.

Advisers.

1. Mr. K. K. Khadilkar, Member, Working Committee of the All-India Trade Union Congress, Bombay.
2. Mr. Mirza Ibrahim, President, N.W.R. Workers' Trade Union, Lahore.
3. Mr. Santosh Chandra Kapur, General Secretary, Mazdur Sabha, Cawnpore.
4. Mr. O. C. Mendis, Member, General Council of the All-India Trade Union Congress, Bombay.

INDIAN FEDERATION OF LABOUR

Delegates.

- Miss Maniben Kara, M.L.A. (Central), Bombay.
2. Mr. M. A. Khan, Lahore.
3. Mr. Rajani Mukerjee, Calcutta.

4. Mr. M. Shafatullah Khan, Bengal National Chamber of Commerce, Calcutta.

Advisers.

1. Mr. B. V. Marathe, Bombay.
2. Syed Sibte Toohe Naqvi.
3. Mr. Ramkishore Singh, Kumaun Motor Drivers' and Workers' Union, Kathgodam (U. P.).
4. Mr. Mamanchand.

EMPLOYERS' ORGANISATIONS

ALL-INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS

Delegates.

1. Seth Sakarlal Balabhai, Ahmedabad.
2. Sir Shri Ram, New Delhi.
3. Mr. S. P. Jain, Calcutta.
4. Mr. R. P. Bagri.

Advisers.

1. Mr. D. May Arrindell, Executive Officer, Employers' Association of Northern India, Cawnpore.
2. Mr. G. L. Bansal, New Delhi.
3. Dr. M. H. Patel, Ahmedabad.
4. Mr. R. D. Vidyarthi, Calcutta.

EMPLOYERS' FEDERATION OF INDIA

1. Mr. A. P. Benthall, Calcutta.
2. Mr. N. H. Tata, Bombay.

Advisers.

1. Mr. T. S. Swaminathan, Bombay.

Independent Workers.

1. Prof. N. G. Raṅga, New Delhi.
2. Mr. Ramanand Dass, President, Calcutta Leather Workers' Union, Calcutta.

INDIAN LABOUR CONFERENCE, EIGHTH SESSION

OPENING ADDRESS BY THE CHAIRMAN

It gives me very great pleasure to welcome you to this, the eighth Session of the Labour Conference. We should normally have met some time at the beginning of the last cold weather, but due to one reason or another, we had to postpone the meeting. Although a formal session of the Labour Conference was not held, we did have a special meeting of the representatives of employers and workers to consider our programme of action during the next five years, which was discussed first at a Conference of Provincial Labour Ministers and with the representatives of Indian States.

2. Since our last meeting, a wave of industrial unrest has been sweeping through the country. This is not an isolated Indian phenomenon, but a part of the general industrial unrest that follows the end of every war. There was a serious threat of strike in Railways which, happily, did not materialise. There was also serious dispute between the Posts and Telegraphs Department and their workers, a section of whom precipitated a strike notwithstanding the fact that the demands of the workers were referred to adjudication. The award which was made in July was accepted by Government and implemented immediately. Questions at dispute other than those relating to pay and allowances between the Railway administrations and their workers were also referred to adjudication. The adjudicator is expected to conclude his work sometime towards the end of this month. The Pay Commission which Government appointed last year to review the scales of pay and allowances have also finished the bulk of their work and report submitted by them are receiving the earnest and anxious consideration of Government. As announced sometime back, Government's orders on the Pay Commission's report will be published soon. In the private sector of industries we have had disputes in steel plants, in ports, in the cotton textile industry and serious industrial unrest in the coalfields. I have mentioned only a few basic or essential industries affected by the prevailing industrial unrest or the 'go slow' policy. I am not suggesting that the workers have no legitimate causes for dissatisfaction. They have been subjected to considerable strain during the war period which has now been accentuated by the continued scarcities of essential goods, an acute shortage of housing and fear of un-employment resulting from the contraction of war-time activity. They are entitled to reasonable conditions of work and reasonable wages. I have said on many an occasion that no industry has a right to exist if it cannot provide decent living standards for the workers. To bring about an improvement in the working and living conditions of workers, various measures are in train and I have no doubt that they will yield results, which will in the near future, be apparent to all. At the same time I cannot emphasize too strongly the need for increased production. A mere increase in wages unaccompanied by increased productivity will be worse than useless, because it will set in train a vicious inflationary spiral of high prices and high wages each trying to catch up with the other. Our watchword should, therefore, be improved working and living conditions for workers and increased productivity. These can be brought about only by each party recognising not only its right but its obligations, not only to the other party, but to the community as a whole. For, let us not forget that in the complex economic structure in which we are living, a strike in an important industry is not merely

a dispute between an employer and a worker, but involves a stoppage of production which causes serious inconvenience to the community, and in the case of basic industries, paralyses the productive effort of the community as a whole. It is because of this that the community cannot stand by as a disinterested spectator when a strike is on in any important or essential industry and has, therefore, provided a machinery for the peaceful resolution of differences between employers and workers. It may be that in certain circumstances, where no other remedy is available or where the conscience of the community is not sufficiently roused to bring sufficient pressure to bear upon the parties or authorities concerned to bring about a just settlement of the workers' legitimate grievances the strike weapon may have to be handled, but it is a weapon which ought to be used with extreme discretion and discrimination and never with any political objective. If the worker has a right to expect assistance from the community and the state representing the community, and now-a-days, no abiding improvement will be possible unless the demands of the workers are backed by public opinion and the authority of the State, wherever necessary, the community equally has a right to expect that its normal activity should not be disrupted, except under the gravest of provocations. I am mentioning this because our recent experience in several cases has shown that no Government can function if it allows the workers to be made a pawn of political parties interested not in bringing about an improvement in working conditions consistent with the general economic conditions in the country, but to secure a position of advantage for their own parties. In this Conference are gathered representatives of employers, workers and of Governments to discuss across the table our various problems and devise, in consultation with one another, measures designed to promote the welfare and happiness of workers. I would appeal to you to carry this spirit of co-operation and settling things across the table in the day-to-day transactions. I am sure my appeal for peaceful settlement of differences between employers and workers will find a sympathetic echo in your hearts, for more than at any other time we are now in need of industrial peace, so that we may achieve our twin and mutually inter-dependent objectives of better standards for workers and increased productivity.

3. You will find from the agenda one or two new features. One of them is a brief note on "Labour Policy and Administration during 1946-47." It is always useful for an annual Conference like this to review the activities of the previous year. This stock-taking enables us to obtain a measure of our achievement against the background of our hopes. It will serve not only to stimulate us, but also to spur us to greater endeavour in the future. Looking objectively, we need not have cause for dissatisfaction at our achievements. Some of them are solid, and mark an important mile-stone on the path of social progress. I do not suggest that we should feel self-satisfied, for I yield to none in my desire to push ahead with our many schemes of social advancement. At the same time, it would not be wise to ignore the limitations and difficulties in the way.

4. We have also placed before you a note on the constitution of the Indian Labour Conference. We have given this matter considerable thought and I feel the proposals placed before you will, if accepted, improve the working of our tripartite machinery. Organising a few more meetings alone will not help us. There is an acute shortage of trained man-power all over the country, with the result that even if we speed up, the Provincial Governments are not in a position to give the measures the amount of

thought and consideration which they deserve. The Legislature again has a very heavy programme of legislation to cope with. We must take account of these limiting factors in putting through our programme. Then there is the difficulty of building up a suitable administrative organisation, whether it be of Government or employers or workers to give practical shape to our plans.

5. Following the precedent set up last year, the draft Conventions which will come up for consideration before the forthcoming meeting of the International Labour Conference have been placed on the agenda for a preliminary discussion. This discussion will enable us to understand each other's point of view, so that the Indian delegation may work at Geneva with understanding. Otherwise, we shall not be able to pull our weight at these International gatherings.

6. Your agenda is heavy and I do not wish to take any more of your time but I think I should also refer to item 3 which deals with the action taken on the reports of the Labour Investigation Committee. These reports are of great interest and they indicate how much spade work remains to be done before we can hope to realise the ideals of social security. Before proceeding with the agenda, I should like to thank you for the trouble you have taken to come to Delhi in this trying hot weather. I hope that our deliberations will enable the Department of Labour to make another great advance in the difficult task which lies ahead.

There was a general complaint that the Agenda and the connected papers were not circulated in time for the delegates to consult their constituents. It was suggested that the papers should be in the hands of the delegates at least a week prior to the date of the meeting. On behalf of the Labour Department, both the Chairman and Mr. S. Lall expressed their regret for the unavoidable delay in the circulation of papers. The Chairman further stated that some of the papers, at any rate, had been sent out earlier and they could start with discussion in respect of those items. Other Subjects could be taken up the next day.

As the Chairman had to attend a meeting of the Minorities sub-Committee of the Constituent Assembly, he asked the Hon'ble Mr. Lall to take the chair, and left the meeting.

SUMMARY OF PROCEEDINGS

REPORT OF ACTION TAKEN ON THE DECISIONS OF THE PREVIOUS MEETING OF THE LABOUR CONFERENCE AND THE STANDING LABOUR COMMITTEE (FOR MEMORANDUM PLEASE SEE APPENDIX I).

Mr. Desai : Workers were not satisfied with the progress achieved by the Central and Provincial Governments in respect of certain items on which the Conference and the Standing Committee had come to definite conclusions. Many Provincial Governments had not given effect to the suggestions of the Central Government regarding the grant of relief during periods of involuntary unemployment.

Some provisions, like declaring strikes illegal, have been incorporated in the Industrial Disputes Act, though the workers' representatives had opposed them at previous meetings.

Representation had not been provided for the Kisan Sabha on the Central Employment Advisory Committee.

The Central Government had completely set aside the previous decision of the tripartite body in the matter of industrial housing.

Miss Maniben Kara : It was regrettable that though Government had agreed to accept responsibility for industrial housing and to form housing boards, the whole scheme had been suddenly given up without even consulting the interests concerned. Workers were not satisfied with the explanation given by Government for dropping the scheme. It was the duty of Government to overcome difficulties like shortage of materials and to see that all necessary steps were taken to provide housing for the workers. Housing is one of the essential investments of industries.

Sir Shri Ram : So far as industrial housing was concerned, the employers were in agreement with the view put forward by the workers' representatives. There was a feeling that the problem had not even receiving the serious attention of the Government. Since Government were taxing industry, it was Government's duty to take up the responsibility for providing housing to industrial workers. The Labour Department should exert their influence to secure high priority for industrial housing and thus remove one of the main causes of frequent friction between employers and workers.

Mr. M. A. Khan : Reduction in the working hours in factories should be given effect to on all the railways, including railways in Indian States. Inspectors should see that workers are paid double overtime where work has been going on for over 48 hours a week.

Professor N. C. Ranga : The industry which is making huge profits should bear the whole responsibility for decent housing for industrial workers.

Agricultural labour should be brought within the purview of the Workmen's Compensation Act.

Central Government should not delay legislation for unregulated factories. Trade Boards should be constituted for protecting workers in the sweated trades, who formed more than 50 per cent of workers employed in other industries.

Central Government should also see that Provincial Governments undertake legislation for the protection of persons employed in business houses and commercial undertakings.

Mr. S. A. Dange : The information at present furnished by Government regarding employment and unemployment in the country was very meagre. In the absence of adequate statistical information, it was not possible to estimate the cumulative effect of the discharges from several Departments and to formulate correct employment policies.

The Chairman : Winding up the discussion on the item gave the assurance that every careful consideration was being given by Government to the conclusions arrived at by the Conference. It was not a fact that they were being ignored.

As regards specific points, he pointed out that prior to the enactment of the Industrial Disputes Act, every interest affected was consulted. Since however, there was no agreement, Government took certain decisions. As a matter of fact, Government gave up certain of their proposals in the Legislative Assembly just to meet the criticisms of the workers.

As regards housing, the Central Government had not withdrawn their offer of subsidy of 12½ per cent. The Provincial Governments however contended that this subsidy was inadequate, in view of the increased costs of construction. Labour Department were now experimenting with the construction of 50,000 houses in the Coalfields. This experiment would enable them to work out the actual cost of construction. Government were also looking into the question of allocation of supplies for industrial housing.

The question of reduction of hours of work on railways was under adjudication and Labour Department would press for the implementation of the Adjudicator's recommendations in the matter.

The suggestion of the workers' representatives regarding the representation of agricultural labourers on the Central Employment Advisory Committee had been taken note of.

Finally, the employment organisation was trying to collect all statistics of discharges and engagements, so as to enable Government to have a good idea of the man-power position in the country. Unfortunately, the data supplied by private industrial concerns was incomplete. Government would, however, try to publish some detailed figures which will give some idea of discharges and placements.

BRIEF REPORT ON LABOUR POLICY AND ADMINISTRATION DURING THE PREVIOUS YEAR. (FOR MEMORANDUM PLEASE SEE APPENDIX II).

Mr. P. Aiyarez: The provisions of the Minimum Wages Bill should be enlarged so as to include organised labour also within the scope of legislation. Low wages were not confined only to the sweated industries.

Rationalisation of the rates of dearness allowance should be effected, through legislation, in a manner that would secure a balance between the cost of living and the rate of allowance.

Contract labour, in any form, should be abolished.

Mr. Rajani Mukerjee: Sugar factories should not be exempted from the scope of the Factories Act in the matter of working hours.

No reason for dropping the proposal to set up the Coal Mines Inquiry Committee and creating the conciliation Board has been given. If increased production of coal is desired, Government should revive the Coal Enquiry Board.

Trade Unions should be accorded recognition as far as possible without any hard application of the rules regarding the percentage of workmen on the rolls as members of the union.

It should be recorded that the Industrial Disputes Act was passed against the wishes of labour in the country.

Employees of some State railways and other small railways were not getting the same protection as workers on the railways under the control of the Railway Board in the matter of conditions of work, etc.

Though piece workers at the Jubbulpore and Alipore telegraph workshops had been declared to be Government servants and piece work had

been abolished, they were not enjoying the amenities which accrue to regular employees.

Industrial developments of the country could be achieved and industrial peace maintained only if the workers were granted a fair deal.

Mr. Desai : If Government had any difficulties in the way of prescribing uniform hours of work for perennial and seasonal factories, they should circulate a detailed note to all the interests concerned, in order to enable the latter to put forth their own suggestions.

Sugar cane plantations should also be brought under the scope of the payment of Wages Act.

Miss Maniben Kara.—Government should endeavour to complete the measures contemplated in the Five-year Plan in a shorter period. The provision that each Factory Inspector should look after 150 to 200 factories would not lead to desired results. It would be impossible for an Inspector to supervise so many factories except at the expense of efficiency.

The Wage Enquiry Committee should be reconstituted.

Workers should not be compelled to contribute to the Welfare Trust Funds. Further they should be allowed to have a say in the management of the Funds.

The Payment of Wages Act should be made applicable to mines and plantations.

The appointment of the Maritime Labour Advisory Committee was welcome but it was doubtful if that Committee would tackle the question of dock and port trust labour. If such labour were outside the scope of that Committee, a separate Committee should be formed for the purpose.

Mr. S. A. Dange.—The manner in which the Coal Mines Welfare Fund would be spent, the amount expended on housing, water, etc., should be published. Cost of living indices should be prepared in regard to large industrial centres. No such indices relating to Calcutta, which was the biggest industrial town in India with the largest number of workers, were being published.

Government should lose no time in appointing a committee to go into the question of forced labour, with a view to secure its immediate abolition.

Sending of Labour Officers to the U.K. for training was not of much practical use, particularly as the trainees were not allowed to study the working of trade unionism in that country.

Strikes and threats of strikes should not be mixed up together for statistical purposes.

Factory owners should not be allowed to close down the factories if an adjudicator's award goes against them.

Professor N. C. Ranga.—Labour Legislation should be broad enough to cover also large groups of workers employed in cottage industries, who were working under all the disabilities to which generally speaking, factory workers were subjected.

Contract Labour should be abolished in Railways and Posts and Telegraphs. Forced labour should be stopped by legislation.

Persons selected for membership of industrial tribunals or as Adjudicators should be given some special training in regard to labour conditions and in labour legislation.

Mr. Shafatullah Khan.—Information pertaining to labour should be published not only in English but also in the various provincial languages if such information is to be of any use to the workers.

The Bengal Government's representative.—As to the complaint regarding non-publication of the cost of living indices for Calcutta, though the Provincial Government were not publishing any index, the same was being maintained by Government and the Trade Unions and employers in Calcutta were making use of it whenever necessary. The difficulty was that the Provincial Government had no Labour journal of their own. Arrangements were however being made to get the Statistics published by the Government of India.

The Chairman.—Observed that the various points raised would be examined by Government, but he would like to refer to some of them.

At the time of setting up the Wages Enquiry Committee for the Collieries, there were no disturbances in the coalfields. Unfortunately before the Committee could start functioning, a series of strikes developed and Government could not come to a decision regarding the terms of reference to the Committee. It was only in order to get the issue clarified that a Board of Conciliation had to be constituted. Labour was also represented on the Board.

As regards the Welfare Fund, the position was that out of the cess of 8 annas, four annas would be utilised for general welfare work, 8 pies for starting dispensaries and 3 annas 4 pies for housing. The expenditure would be regulated by the advice of a tripartite Committee and a report giving details of the expenditure would be published in the Gazette.

As for the maintenance of industrial peace, Government were constituting tripartite Industrial Committees through which, he hoped, all differences would be amicably settled.

Labour Department would look into the question of the application of regulations to State railways.

A committee would be set up early to study the problem of forced labour and suggest the best way of putting an end to the same.

As regards training of Labour Officers in the U.K. his information was that facilities were always provided for those who wanted to study the working of trade unionism in that country.

Referring to hours of work in seasonal factories, the existing discrepancy would be removed when the Factories Act was revised.

Labour Department would get all Labour Bills translated into as many languages as possible.

REPORT OF THE ACTION TAKEN ON THE REPORTS OF THE LABOUR INVESTIGATION COMMITTEE. (FOR MEMORANDUM PLEASE SEE APPENDIX III).

Miss Maniben Kara.—The object of the Labour Investigation Committee was to provide adequate material on which to plan a policy of social security. To this end it was originally decided to set up a mixed committee to study the Reports and formulate plans. The mere fact that Government had drawn up a five-year plan was not a justification for not appointing the mixed committee.

Social security should be provided not only for industrial workers but for agricultural workers also.

Mr. Shafatullah Khan.—Government should issue a directive to the Provincial Governments to ask the employers to fix minimum wages as also the minimum rates of dearness allowances, which might of course vary with the price level.

As for the contention that productivity was low in India, one of reasons for this was the unfavourable climate of the country. It was therefore in the interests of the employers to allow more holidays to the workers.

Unless the standard of living of the workers, industrial or agricultural, was raised it would be very difficult to maintain peace and contentment in the country.

Mr. M. A. Khan.—The reports contained certain recommendations. Also they would shortly have before them the Reports of the Pay Commission and of the Railwaymen's Adjudicator. Government should give effect to the recommendations in these Reports, so far as the Railways and Centrally administered areas were concerned; and their conclusions circulated to the Provincial Governments for necessary action.

Mr. S. A. Dange.—The working classes would not be able to help Government and the community in the matter of increasing production until and unless certain minimum conditions were legislated for, viz.,

- (1) Government should bring in a Bill imposing upon the employers an obligation to raise the wage level in jute and plantation industries as the present wage level was very low.
- (2) The scales of dearness allowance should be raised to the full extent of the rise in prices.
- (3) Workers should be saved from debt, which they were forced to incur on account of high prices and high rates of interest.
- (4) Problems of recruitment, promotions, discharges, dismissal and ventilation of grievances should be tackled through legislation.
- (5) It was evident from the Rege Committee's Reports that working conditions, standards of cleanliness etc. were far from satisfactory. These were matters in respect of which Government could pass Administrative Orders and bring to book defaulting employers. It would be idle to expect the workers to produce more unless the conditions under which they work were improved.
- (6) In the matter of dismissals, the workers were prepared not to resort to strikes till the constitutional issue was settled, provided there were in the meanwhile no discharges of workers and no reductions in the existing wages.

Professor N. G. Ranga : The schemes for social security should cover agricultural workers, workers in the cottage industries and other unorganised industries. For this purpose a committee should be set up consisting of representatives of the Labour Department, employers and workers in organised as well as unorganised industries. The Committee should go through all the Reports and list the points in respect of which Administrative Orders could be issued.

Local Welfare Committees, consisting of representatives of employers, labourers and local welfare workers, should be constituted. Members of

such committee could contact individual employers and press for small reforms in the conditions of work.

Multi-purposes co-operative societies should be organised in order to remove workers from the clutches of money lenders etc.

Mr. A. P. Benthall : Reduction of working hours in the mines would not really be in the interests of the workers. Most of the miners did not actually work for more than 4 to 5 hours a day, though they stayed in the pits for more than eight hours because the conditions in the pits were better and more comfortable than on the surface. Any step to reduce the duration of their stay inside the pits would therefore be viewed unfavourably by the workers.

As for "safety men," their work was of a continuous nature and the existing hours, viz., 8 hours per day, facilitated continuous working in three shifts. If however the hours were reduced to less than 8 hours, it would be necessary to have a fourth shift which it would not be possible to have at present in view of lack of trained men.

Sir Shri Ram : Government should find out whether better conditions of work in one factory had really produced better results as compared to another factory in the same centre. Collection of statistics with that end in view would not only provide an inducement for the unwilling employer but would also provide a yard-stick by which the efficiency of the worker could be measured.

The Defence Department Representative : pointed out that the ameliorative measures that could be provided by his Department to its employees were conditioned by the budget grants which had been drastically cut down by the Legislature.

The Chairman : observed that the Labour Department would like to have very wide powers to control the Provinces, but that was constitutionally not possible. The Centre could only persuade the Provincial Governments to adopt certain measures and that was the reason behind the holding of Labour Ministers' Conferences.

Secondly, the Reports of the Rege Committee were under the examination of the Labour Department and ways of removing the defects were being considered. When the Factories Act would be revised, many of the defects brought to light would be removed. The main proposals for revision had already been discussed by the Standing Labour Committee. Legislation alone however would not completely mend matters, if the factory inspection staff was weak. The staff would have to be strengthened and the quality improved. For that purpose, a training course for the inspection services was under contemplation.

As for the appointment of a mixed committee, no decision had yet been taken on the point. A stage might come when it would be desirable to have such a committee but for the present they had enough of work on hand.

The reasons for the present decline in production had to be thoroughly investigated. He hoped that the works committees and the Industrial Committees that were being set up would enable employers and Government to examine the matter in a dispassionate spirit to find out the causes of the prevailing unrest and to suggest remedies.

**REPLIES OF THE GOVERNMENT OF INDIA TO THE I.L.O.
QUESTIONNAIRE AND THE DRAFT CONVENTIONS
FORWARDED BY THE I.L.O. ON THE FOLLOW-
ING SUBJECTS. (FOR MEMORANDUM
PLEASE SEE APPENDIX IV.)**

**(a) ORGANISATION OF LABOUR INSPECTION IN INDUSTRIAL AND
COMMERCIAL UNDERTAKINGS**

Mr. Desai.—Touching on the questions relating to the co-operation of employers and workers with the Labour Inspection Service suggested that the low level of literacy of the workers in India should not be an argument against supporting a Recommendation laying down the necessity for the same.

The answer to question 24(a) should have been in the affirmative, since the health and safety of the workers rendered it imperative that the inspectorate should have power to pronounce upon the sufficiency or otherwise of plans of new establishments.

Government should support the adoption of international regulations prescribing a minimum degree of frequency of inspection. The supposed rigidity of the regulations would be tempered by the use of the phrase 'as far as possible.'

If inspection reports were not prepared on specified lines, it would not be possible to analyse them and publish valuable annual reports. Therefore some specified form should be devised with provision for 'general remarks.'

The annual reports to be published by the central inspection authority should be transmitted to the I.L.O. within, say, three months and this should be prescribed by international regulations.

The reasons for excluding statistics of industrial accidents and of occupational diseases from the contents of the annual reports were not obvious. In the opinion of the workers, such statistics should be included.

An illustrative list of subjects covered by the term "conditions of work and protection of the workers while engaged in their work" should include 'Standing Orders' also.

'Insubordination' should not constitute one of the grounds for dismissal of workers as the term was very vague and was liable to be misused by the employers.

Miss Maniben Kara.—The tone of the Government of India's covering letter to the International Labour Office indicated that they generally tried to secure exemptions from internationally accepted standards too often under the excuse that India was a backward country.

Sir Shri Ram.—Generally agreed with the views of the Government of India on the proposals covered by the questionnaire. Inspectors who go on surprise visits should reveal their identity, when so desired, and should also intimate to the employers before leaving the factory premises. If an Inspector left without notice, the employers should not be blamed for non-cooperation. The authorities should not take more than three weeks to sanction a plan and whenever a particular plan was rejected, the grounds for rejection should be furnished in writing.

Mr. N. H. Tata.—Labour Inspectors should not be required to scrutinise and certify plans. The scrutiny of such plans should be in the hands of the Provincial Governments, assisted by competent civil and manufacturing engineers. It was the duty of Government to provide industrialists with certain standard plans regarding factory buildings and factories. The right of the Inspectors to take away material from the factory should be restricted only to such material as had a bearing on the health of the workers.

The Defence Department representative.—A standard form for inspection reports was desirable from the point of view of convenience in handling them.

The N. W. F. P. Government's representative.—A standard form would lead to much efficient inspection.

The Mysore State's representative.—Inspection reports should contain information in a prescribed form in the province of Madras but in subsequent inspections, Inspectors were given full freedom to make supplementary observations.

The Mysore State's representative.—Inspection reports should contain information in a prescribed form as well as the studied remarks of individual inspectors, thus combining the advantages of standardised information on the one hand and individuality of the inspector on the other. Those inspectors who showed special zeal in their work should be rewarded by promotion or shown some preference over others.

The Hyderabad State's representative.—The Hyderabad State had evolved a questionnaire which enables all necessary information about a factory to be obtained. For the sake of easy identification, the Inspectors should be given some identification card.

The Chairman.—Replying to the various points observed that if the Government of India expressed themselves against the adoption of a Convention or a Recommendation, it was not because they considered that what was intended to be provided for was wrong or undesirable, but because acceptance of such regulations would impose a definite liability on Government to incorporate the substance of the Convention into national legislation and to enforce the same. If therefore Government had doubts regarding their ability to enforce such national legislation, they had to express some hesitancy in accepting the Convention.

The suggestion of the workers regarding the inclusion of Standing Orders under 'conditions of work and protection of the workers while engaged in their work', would be examined if the suggestion was put in a more concrete form.

As regards the criticism that 'insubordination' as a ground for dismissal was a vague term and was likely to be abused, the works committees in industrial establishments could see that insubordination was not defined in a very vague or unsatisfactory sense to the disadvantage of the worker.

Government accepted the suggestion of the employers that the Inspector should disclose his identity. At the same time it should be remembered that the value of surprise inspections would be lost if the Inspector was held up at the gate of the factory, while things were managed for him inside the factory.

As for the removal of materials from the factory by an Inspector, if any concrete suggestions were put forth by the employers they would be examined.

Referring to question 23, the Chairman observed that the power of checking would rest with the Chief Inspector. The intention of Government was to enable the inspectorate to make some suggestions within a specified time that would help the employer and at the same time suit the workers. The suggestion of the employers that the reasons for the rejection of a plan should be given in writing would be provided for.

As regards question 48, Government were willing to take action on the lines proposed by the International Labour Office but they had not reached a stage where they could enter into an international commitment in the matter.

As for the frequency of inspections, (question 50), it was difficult to lay down the intervals since the need for inspection depended upon the nature of the industry. A certain amount of discretion should be left to the Inspectors.

Regarding question 55, the I.L.O.'s proposal envisaged the laying down of a prescribed form of inspection report under a Convention. Such a form would become wooden and it was that which was opposed by the Government. For internal purposes however, there should be a prescribed form and the Chief Inspector of Factories would guide the Inspectors as to the grounds their reports should cover.

Mr. V. Narayanan.—The reason for the answer to question 24 was that acceptance of the first alternative (a) would bind the hands of both the Government and the inspectorate to a certain procedure which subsequent events might show to be unhealthy or deleterious from the workers' point of view.

(b) SOCIAL POLICY IN NON-METROPOLITAN TERRITORIES .

Mr. Rajani Mukerjee.—Generally agreed with the proposals of the I.L.O. In the interest of the workers in dependent territories, the Government of India should strongly support the proposed Conventions.

The Bombay Government's representative.—Article 19 of the first Convention should be modified so as to provide for (1) free education of children, and (2) adult education.

The Chairman : stated that the suggestion had been noted.

(c) EMPLOYMENT SERVICE ORGANISATION

Mr. Dinker Desai.—Whatever be the future constitutional set up of India, the administration of the employment exchanges should be a responsibility of the Central Government and power should not be delegated to the Provincial Governments.

Regarding question 1, Government should try, with the help of the workers, to resolve the difficulties in the way of ratification of Conventions and not merely ask for exemptions from international regulations.

As regards question 8, in view of the vast man-power resources of the country, Government should support the proposal that international regulations should provide for the formulation of minimum standards to govern the staffing and material arrangements of the regional and local employment offices.

As to question 15 (b), it was necessary that information should be collected on a scientific basis and hence Government should favour the inclusion of the proposal in a Convention.

Answer to question Nos. 16 and 20 should have been in the affirmative. Government should not fight shy of either preparing an annual manpower budget or for providing adequate and reliable information concerning job opportunities or working conditions in various occupations, etc.

Miss Maniben Kara.—The exchanges, as at present constituted, had not been able to secure the confidence of either the workers or the employers. The exchanges should not however be regarded merely as instruments of bringing together employers and workers. Their main function was to secure employment for all able bodied-workers.

Professor N. G. Ranga.—The Central Government should be responsible for the establishment and conduct of labour exchanges so as to be able to provide for inter-provincial migration of workers.

Further, irrespective of the development of the employment exchange machinery, Government should embark upon an industrial centre and employment census.

Mr. S. A. Dange.—There should be a good Statistical Department which could collect information regarding availability of people who did not own anything and were out to sell their labour in the market.

Sir Shri Ram.—The exchanges were not viewed favourably by the employers. Conditions at present were abnormal and consideration of the future of the exchanges should therefore be postponed for some time.

The Chairman : pointed out that though Labour Department would be glad to have 'employment' as a Central subject, the power to reserve the subject for the Centre lay in the hands of the framers of the Constitution. As regards the complaint about the unsatisfactory functioning of the exchanges, the existing defects did not warrant their abolition and pleaded for the co-operation of the employers and workers in the task of improving and developing the machinery. Regarding the contention that the exchanges should find employment for all, these could not by themselves create employment but only bring to the prominent notice of the Government, both Central and Provincial, the employment situation in the country at any time.

Mr. K. D. Jones.—In the matter of the compilation of a complete manpower budget, contemplated under the proposed Convention, India would find it extremely difficult to collect detailed statistics until the exchange organisation itself was in a position to cover all classes of labour, the chief of them being agricultural labour. That field was not yet covered by the exchanges and hence India could not support the proposal of the I.L.O.

INDUSTRIAL EMPLOYERS' (STANDING ORDERS) CENTRAL RULES, 1946. (FOR MEMORANDUM PLEASE SEE APPENDIX V).

Mr. M. Shafatullah Khan.—Referring to the Model Orders, he wanted to know whether deductions on account of late coming would affect only the earned wages or even unearned wages.

Rule 9(2) did not prescribe the authority to whom the workers could appeal in case of refusal of leave by the manager.

Provision should be made under Rule 9(3) for the workers to approach the manager in order to be able to explain the reason for their inability to return to duty on due date.

The question whether leave taken on account of ill-health (Rule 10) is to be treated casual or sick leave should be considered. Sick leave with permission to the workers to produce a medical certificate, from any registered medical practitioner, including a Homeopath or a Hakim, should also be provided for.

Rule 12 should include payment for the period of detention of workers on account of stoppages of work for reasons beyond the power of the management. Further some time limit should be set on such stoppages and there should be some provision whereby a competent authority could check up whether the failure of a machine, etc., was genuine.

Employers should not be allowed, under Rule 12(4), to close down the entire factory, in the event of a strike only in a section of the factory. Alternatively workers who are willing to continue to work should be paid *khuraki*.

In the matter of termination of employment, if a man was to be discharged on any account after working for more than five years, he must be paid notice money plus one month's wages for every year's work.

The nature of the wages, whether earned or unearned, from which **fines on account of misconduct** were to be deducted should be defined.

Dismissal should be for misconduct only and the worker must be given a chance to explain his position during the suspension period. If the management are not satisfied with his explanation, the worker should be allowed, either personally or through his representative, to place his case before the management.

The question of the final authority to whom such appeals should be preferred should be examined since generally employers support the supervisory staff as against the aggrieved workers.

Model Orders should be circulated to different factories and establishments so that the workers might discuss the same at their union meetings and submit their opinions to the Government of India.

Government should appoint Cost Officers to examine the wage rates and recommend the level at which they should be fixed.

Sir Shri Ram.—The classification of workmen proposed under the rules would cause inconvenience and the number should be reduced. There was no need for two types of tickets, viz., permanent tickets and departmental tickets.

As for shift working, one month's notice for the discontinuance of a shift was rather long. The word 'shall' in the last portion of para. 7 of the Orders should be omitted and the sentence changed to read as: "preference being given to those who have been discharged at the time of stopping the shift."

It was desirable that either the maximum amount of leave that a worker was entitled to or minimum number of days that he should work, should be laid down.

The period of notice for termination of employment should be a fortnight and not a month as provided for in the Orders.

Trading by the workers within the employers' premises should be subjected to disciplinary action.

Employers could not agree with the workers' view that the provision under order 9(1) (b), viz., the worker should explain the reasons for his absence to the satisfaction of the manager, should be deleted.

Mr. S. A. Dango.—The classification of workers as suggested in the Model Orders was not acceptable to the workers.

As for the definition of temporary workmen, it was desirable that all those labourers whose employment extended beyond six months should be classified as permanent.

The wage rates of the workers should be entered on the tickets supplied to them.

In the matter of transfer of a worker from one shift to another, the change over should not be effected without the worker's consent. Moreover, adequate notice of the discontinuance and restarting of shifts should be given to the individual workers concerned and not by the mere posting of notices within the premises of the factory.

Copies of the Standing Orders should be supplied to the workers in their own languages.

Further, the words 'to the satisfaction of the managers' in Rule 9(1)(b) should be removed as experience had proved that the managers were never satisfied with the explanations furnished by the workers.

Mr. B. V. Marathe.—Provision should be made under Rule 14(6) that the worker should be supplied with a copy of the findings of the enquiry committee along with a copy of the order passed by the manager.

The Chairman : remarked that the various views expressed on the Model Standing Orders would be helpful in improving upon them. He assured the members that in future, as soon as a notification inviting opinions was issued, it would be sent to the various all-India organisations of workers and employers for their comments.

DESIRABILITY OF COLLECTING INFORMATION RELATING TO WAGES AND CONDITIONS OF WORK IN DISTRIBUTIVE TRADES AND SERVICES. (FOR MEMORANDUM PLEASE SEE APPENDIX VI).

The Sind Government's representative : Explaining the object of the proposals as outlined in the Memorandum asked that if the Conference agreed with the underlying principle, an expert committee should be appointed to study the various problems to be considered in their practical aspects and then prepare a scheme on the basis of which trial census could be carried out.

Sir Shri Ram.—There were practical difficulties in the way of conducting an enquiry of the kind proposed, e.g., illiteracy of the persons from whom information would have to be collected. Moreover the employers and the employees of the distributive trades were not represented at the Conference and no enquiry should be conducted without their concurrence.

The Sind Government, who had initiated the proposal, should first try the experiment in Sind. If their experience was satisfactory, the census might be taken up in other areas.

Miss Maniben Kara : Welcomed the proposal. Without such a census, it was difficult to protect the interests of the workers concerned. A time limit of not more than six months should be set for completing the trial census.

The Bengal Government's representative : Favoured the proposal. Start should be made with only certain trades and transports in the beginning.

The Bihar Government's representative : A census of the distributive trades and services would be a stupendous task. With the limited staff available, it would not be possible to undertake a census of the kind contemplated. Moreover, it was doubtful if legislation based on the results of the enquiry, could be properly enforced. The Government of Sind should undertake a census in the first instance; and if the experiment proved a success and was found useful, other Provinces would certainly be prepared to follow the example.

The Bombay Government's representative: Lack of necessary personnel and financial limitations were definitely in the way. A simple inquiry into limited number of distributing operations should be made first on which the final census could be based.

The C. P. Government's representative : The difficulties of staff and finance could be met, but wanted to know the exact object behind the proposed census.

The Madras Government's representative : There would be difficulty of lack of proper personnel and only a survey of certain specified items could be undertaken.

The Punjab Government's representative : The Punjab Economic Enquiry had recently started a detailed Industrial Survey of the city of Lahore which would include the various distributive trades. The result of this survey would indicate the usefulness of a full-fledged survey later on.

The U. P. Government's representative : The time was not ripe for starting such an ambitious scheme.

Representative of the Baroda and Gwalior States : A sample survey may be started to begin with.

Representative of the Hyderabad State : The proposal should be referred to a Committee as it was no good starting with a sample survey without a plan.

Representative of the Travancore Government : The matter was not urgent and there was also no demand either from employers or the employees in the distributive trades for undertaking the proposed enquiry.

Professor N. G. Ranga : If a comprehensive survey was not feasible at present, at least a sample survey for each District—one town in each District—should be undertaken on which the programme for a comprehensive survey could be based.

The Chairman : observed that though the Provincial Governments had reacted somewhat unfavourably to the proposal, they should admit the desir-

ability of collecting information relating to the conditions of work in distributive trades. He would therefore suggest that a beginning should be made by collecting information regarding wages, conditions of work, etc., in the establishments covered by the various Provincial Shop Assistants Acts.

ATTITUDE OF EMPLOYMENT EXCHANGES DURING STRIKES AND LOCK-OUTS. (FOR MEMORANDUM PLEASE SEE APPENDING VII).

The representative of the Directorate General of Resettlement and Employment : Besides the three methods outlined in the Memorandum, there was also the Greek System of dealing with persons involved in trade disputes to be taken into account. There were however one or two difficulties in adopting the Greek system to Indian conditions. In the first place, the legality or otherwise of each individual strike would have to be determined before existing workers could be replaced. This decision could be arrived at only by the conciliation authorities who would have the necessary material before them for pronouncing upon the lawfulness of a strike or lock out and not by the exchanges. Moreover in a vast country like India, the exchanges in following the Greek procedure, would not be able to act quickly. The conciliation machinery and the employment exchange machinery were two different entities in India, and the exchanges would not know whether either if the parties had agreed to or refused arbitration, without consulting the conciliation authorities. Secondly, it was doubtful if all Provincial Governments would be in a position to advise the exchanges through their conciliation staffs, whether a trade dispute was legal or not.

The Bombay Government's representative : The Government of Bombay were in complete agreement with the Greek system. No serious difficulty could be envisaged in the matter of declaring a trade dispute legal or illegal, since the decision of a competent court could be published as soon as orders were passed and the exchanges could be guided by that decision.

Sir Shri Ram : Under the Greek system it was not necessary to decide whether a strike was legal or not. That party which had not agreed to conciliation would not be helped by the exchanges.

Mr. A. P. Benthall : The exchanges should observe complete neutrality in the matter and the best way of complying with this principle was for the exchanges to accept vacancies and inform suitable applicants of the existence of the trade dispute before submission and to register workers involved in the dispute, informing prospective employers that the workers were available as the result of a trade dispute.

Mr. Rajani Mukerji : Employment exchanges could gain popularity only if they observed a strict neutrality towards strikes and lock-outs, legal or illegal. Only such an attitude would infuse confidence in the workers.

Mr. Desai : Even as matters stood at present, employees were being punished for resorting to strikes and there would be a second punishment by supplying black labour to the employers. The workers therefore wanted that the exchanges should have nothing to do with strikes and with this end in view they wanted that the Conference should adopt the following resolution :

"The Eighth Session of the Indian Labour Conference is of the opinion that the present policy adopted by the Government of India in permitting the Employment Exchanges to supply workers to employers whose workers are on strike is not calculated to inspire confidence among the workers; moreover it leads to indirect help being given by the Employment Exchanges to the employers to break strikes; the Conference therefore earnestly request the Government of India to issue orders asking Employment Exchange authorities to adopt an attitude of complete neutrality during strikes and give no assistance to employers whose workers are on strike."

The Chairman : stated that the views which had been expressed would be put up to the Hon'ble Member for consideration. He added that he was personally in agreement with the view that the exchanges should observe neutrality.

BILL FOR REGULATING EMPLOYMENT OF DOCK LABOUR. (FOR MEMORANDUM PLEASE SEE APPENDIX VIII).

Mr. A. P. Benthall : The Bill was an enabling measure giving complete power to Government to enforce any kind of scheme. This was a grave responsibility that the Government were undertaking, since provision of labour for docks in India was a complicated affair. Government should therefore consult all those who had practical experience in this field before formulating their schemes.

Mr. K. K. Khadiolkar : Legislation in respect of dock labour was long over-due and there should be no further delay. Before the Bill was finalised, the following points should be taken into account :—

- (1) The definition of dock labour should be extended to cover not only persons employed in the loading and unloading of ships, but also labour connected with ship repairing as well as some ancillary industries where launch-men and bargemen were employed since the latter classes of workers were covered neither by maritime legislation nor by the Factories Act.
- (2) Workers' representatives should be associated in formulating the scheme under the proposed Act. In this connection, a Dock Labour Advisory Committee should be set up including representatives of workers and Government.
- (3) Some special provision should be made in the Standing Orders, for dock labourers whose employment is essentially of a casual nature. Thus benefit schemes like provident fund, gratuity, etc. provided for industrial employees should be taken into consideration while fixing the minimum pay of dock labourers.

Professor N. G. Ranga : The Bill should be so amended as to enable the Provincial Governments to apply this legislation to labour engaged in inland ports which had no Port Trusts of their own, but in regard to which the Provincial Governments could constitute the 'Local authority'.

Representatives of the Maritime Provincial Governments of Sind, Bombay and Bengal : expressed their agreement with the principle underlying the Bill but hoped that it would be circulated to the Provincial Governments for their comments.

Mr. V. Narayanan : The constitutional position would have to be examined before legislation could be extended to launchmen and workers in inland ports. That should not however delay the passage of the Bill as framed. If necessary, another Bill could be introduced covering workers in inland river transport services. So far as ship-repairing firms were concerned, they would be covered by the revised Factories Act.

No scheme would be finalised without prior consultation with workers and employers and without giving the interests concerned the fullest opportunity to consider the details.

Government would consider the suggestion for the constitution of an advisory committee.

In the present case, though legislation could be undertaken by the Central Government, the executive power rested in most cases with the Provinces. The Central Government could not therefore proceed in such matters without consulting Provincial Governments.

The Chairman : observed that in this particular instance, major ports were a Central subject and the Government of India could push ahead with legislation in respect of those ports. But casual labour employed in ship-building yards, inland waterways etc. came within the Provincial field and hence nothing could be done in that sphere unless the Provincial Governments concurred.

CONSTITUTION OF THE INDIAN LABOUR CONFERENCE AND THE STANDING LABOUR COMMITTEE. (FOR MEMORANDUM PLEASE SEE APPENDIX IX).

Mr. M. A. Khan : Since the present set up of the Indian Labour Conference was only of an advisory character and as the Conference had no executive powers, there appeared to be no need to alter the present representation of different organisations in the Conference. Moreover in view of the uncertain constitutional position in the future, it was advisable to postpone a decision in the matter.

While workers welcomed the setting up of Industrial Committees, they had strong objections to the withdrawal of Advisers. The proposed step would tend to weaken the tripartite organisation.

Miss Maniban Kara : Nothing should be done to lessen the importance of the Indian Labour Conference and the Standing Labour Committee. On the other hand, the scope of the Conference should be extended and the machinery brought into line with the International Labour Organisation. The duration of the sittings of the Conference should be more prolonged. If necessary, they might meet for two days at the beginning and then break up into committees which would deal with specific subjects. The reports of the committees could be later considered by the Conference as a whole. For the proper and effective functioning of the Conference, a separate Secretariat should be created to deal only with Labour Conferences and Committees. Further, a small tripartite committee should be appointed to consider various suggestions offered at the Conference.

Mr. B. V. Marathe : The Indian Labour Conference should be empowered to draw up its agenda. It should further be allowed to tender advice to Government on labour matters and offer constructive suggestions

in respect of labour legislation. The Standing Labour Committee would be of much help and assistance to Government in the actual execution of labour policy.

Mr. Desai : The Indian tripartite body should be remodelled on the lines of the International Labour Organisation. A separate Directorate, independent of the Labour Department should be set up. The Director of that secretariat should present a Report to the Conference, having circulated the same to the delegates sufficiently in advance of the Conference.

Industrial Committees were no substitutes for the Standing Labour Committee for the simple reason that those Committees would consider only problems relating to particular industries. In India, labour problems were in most cases common to all industries, so much so that they needed general treatment which could be undertaken only by the Standing Committee. This Committee should meet twice or thrice a year, each session lasting for about a week.

In the matter of labour representation in the Indian Tripartite Organisation, Government should adopt the principle followed by the I.L.O. viz., the delegates should be from the most representative working class organisation. Judged by this standard, no other organisation except the A.I.T.U.C. should be invited to send representatives to the Indian Labour Conference.

The proposed withdrawal of Advisers cannot be agreed to Government themselves had conceded that workers should be given opportunities to take part in the deliberations of the tripartite body. But the proceedings were in English and the illiterate workers would not be in a position to attend as delegates. They could only accompany the regular delegates as Advisers. The delegates could explain to them from the agenda papers and take advice from them. If, therefore, the constitution of the tripartite body was amended so as not to provide for Advisers, actual workers could never take part in the deliberations.

Government should view the organisation more seriously and not treat it merely as a publicity organ.

Professor N. G. Ranga : Workers' representation in the tripartite organisation should not be confined to only one organisation. Unorganised labour should be given at least as much representation as that allowed to organised labour. In particular, the Hindustan Mazdoor Sevak Sangh should be given representation. Independent workers should be given representation on the Standing Committee. If necessary Government may evolve a panel and give representation to the various independent workers' organisations by rotation.

Advisers should not be removed. Their object should be to help the workers to gain experience by taking part in the Conferences. They would thus be enabled in course of time to replace the present intellectual leaders.

The Conference should not have independent powers. Its main function should be to advise Government.

Sir Shri Ram : The object of the Conference was to provide an opportunity for employers, workers and Government to give expression to their respective views on various labour problems and to come to some sort of concrete agreement which would ensure industrial peace in the country. Representation at the Conference should not therefore be made

the monopoly of only a particular organisation, whether of the employers or the workers. If there were reasonably strong bodies with a fairly large membership, all such bodies should be allowed to send representatives.

The Industrial Committees need not dispense with the Standing Committee. The latter would decide the agenda for the Conference. Advisors might be permitted to accompany delegates but they should not be allowed to vote.

As for the duration of the sessions of the conference, it should be left to the discretion of Government, provided the relevant papers were circulated well in advance of the Conference. There need be no unnecessary prolongation of discussions.

The representative of the Hyderabad State : The tripartite organisation as at present constituted had done a good deal of work even though its functions were only advisory. At least so far as Hyderabad was concerned, the steps taken by the State Government to ameliorate working conditions were the result of the deliberations of the Indian tripartite organisation. In the circumstances, there was no need for the contemplated change in the constitution of the organisation.

As for the contention that the organisation was too big to serve as an efficient body, the appointment of sub-committees to consider specific questions could be considered.

The Chairman : explained that the intention of Government was not to lessen the scope or usefulness of the tripartite organisation. The proposals before the Conference were in fact expected to increase its efficiency as well as utility. Government could not however agree to the suggestion that the Indian tripartite organisation should be on the lines of I.L.O. For, the latter consisted of representatives of different sovereign States and all that the I.L.O. could do was to adopt Recommendations and Conventions. The individual Members had the option either to accept them or not accept them. But with the present constitutional set up of India, the tripartite body could only remain advisory and not legislative.

It was also not clear as to what authority could be assigned to a separate Directorate that had been demanded. The Hon'ble Labour Member who was responsible to the Legislature could not delegate his powers of considering legislation to the tripartite body.

Government could also not agree to the suggestion that workers' representation on the tripartite body should be confined to only one organisation. There might be four or five organisations of workers which were really more representative of the workers than one all-India organisations and it was only reasonable that all the organisations should be allowed to air their views. The intention was to obtain the views of all labourers and not only of those belonging to a particular organisation.

The various suggestions made by the members would however be placed before the Hon'ble Labour Member for his orders.

The Conference ended with a vote of thanks to the Chairman for conducting the proceedings so ably.

APPENDIX I

STATEMENT (ALL INDIA OF ACTION TAKEN SUBSEQUENT TO DISCUSSIONS AT THE LABOUR CONFERENCES AND STANDING LABOUR COMMITTEE MEETINGS.—

(This statement covers the period from the Eighth Standing Labour Committee Meeting held in March, 1945 to the Ninth Standing Labour Committee Meeting held in July, 1945.)

S. No.	Subject discussed.	When discussed.	Action taken by the Central Government as also the Provincial and State Governments.
1	2	3	4
1	I. Report on Health Insurance of Industrial workers.	Sixth Standing Labour Committee (March, 1945).	<p><i>Central Government—</i> The Workmen's State Insurance Bill was introduced in the Central Legislature in November, 1946 and circulated departmentally for eliciting public opinion. The work preliminary to the implementation of the scheme has been taken up. Provincial Governments have been addressed regarding the organisation of the medical care and treatment to ensure workers which should be brought into operation. The employers have been addressed in regard to utilization of the existing medical facilities provided by them.</p> <p><i>Assam—</i> The report on Health Insurance of Industrial workers will be studied by the Inspector General of Civil Hospitals Assam.</p> <p><i>Bengal—</i> A scheme for medical care was prepared on the basis of beds required for certain number of workers. As this was found too costly the matter is being examined in the light of the latest suggestions of the Central Government.</p>

			<p><i>Orissa</i>— The views of the Provincial Government have already been communicated to the Central Government.</p> <p><i>United Provinces</i>— The U. P. Government's views on the Bill will be forwarded to the Government of India shortly.</p> <p><i>Gwalior</i>— The matter is under consideration.</p> <p><i>Hyderabad</i>— The question will be considered after legislation is enacted in British India. A sub-committee was appointed to study the question.</p> <p>The Industrial Housing Sub-Committee appointed by the Standing Labour Committee went into the whole question and submitted its report for consideration to the Ninth Standing Labour Committee.</p> <p>Rules have been framed both by the Central Government, in respect of the Centrally administered areas, and by Provincial Governments in respect of their territories.</p> <p><i>Gwalior</i>— The matter is under consideration.</p> <p><i>Hyderabad</i>— The Holidays with Pay Act has been enforced. Rules under the Act are being drafted.</p> <p>Section 2(n) (ii) and Schedule IV of the Act. were amended in 1946 (Act I of 1946) so as to raise the maximum wage from Rs. 300 to Rs. 400.</p>
2	II. Changes in the Constitution and functions of the Tripartite Organisation.	Sixth Standing Labour Committee (March '45)	
3	I. Industrial Housing and the Responsibility of the Employer in connection therewith.	Seventh Standing Labour Committee (August '45)	
4	II. Draft Rules under the Factories (Amendment) Act, 1945 relating to holidays with pay.	Do. ..	
5	III. Amendment of the Workmen's Compensation Act (VIII of 1923) Definition of Workmen (Wages level).	Do. ..	

Action taken by the Central Government as also the Provincial and State Governments.

S. No.	Subject discussed.	When discussed	
1	2	3	4
10	IV. Attitude of Employment Exchanges during strikes and lock-outs.	Seventh Indian Labour Conference (November 1945).	<p><i>Hyderabad (contd)</i> It was provisionally agreed that Exchanges in India should adopt the practice obtaining in Greece. The recommendation of the Conference was further examined, and as there were administrative difficulties in implementing it, the matter was referred to the next Standing Labour Committee.</p> <p>The Factories Act has been amended so as to give power to Provincial Governments to make Rules for the provision of canteens.</p>
11	V. Industrial Canteens.	Do. ..	<p><i>Assam—</i> The canteen started by the Assam Bengal Cement Company at Chhatak fell into partial disuse owing to its unpopularity, but the Provincial Government proposes to encourage its revival with a committee of workmen to assist the management. Steps are also being taken to frame Rules under the Factories (Amendment) Act 1947.</p> <p><i>Bihar—</i> A few Industrial undertakings have agreed to start canteens on persuasion.</p> <p><i>Central Provinces—</i> The establishment of canteens has been encouraged.</p> <p><i>United Provinces—</i> The United Provinces Government welcomed the proposal and provided Rs. 20,000 in 1946-47. Budget for the purpose of reimbursing the Indian Tea Market Expansion Board for</p>

any loss incurred in opening canteens. As the Board did not proceed with the work, Government thought of starting canteens at Mills in Lucknow and Cawnpore, but the experiment had to be given up owing to certain difficulties.

Gwalior—

The matter is under consideration.

Hyderabad—

Factories Regulations have been amended to compel employers to establish canteens.

Seventh Indian Labour Conference (November, '45)

12 VI. Proposed Amendment of the Workmen's Compensation Act, 1923.

Do. ..

13 VII. Proposed Legislation for compelling Employers to frame Rules regulating service rights of Employees in Industrial concerns.

Please see remarks against Item III under the Seventh Standing Labour Committee.

The Industrial Employment (Standing Orders) Act 1946, has since been passed and Rules under the Act have also been issued.

Assam—

Rules are being prepared under the Act.

Bengal.

The Bengal Industrial Employment (Standing Orders) Rules have been promulgated and the Draft Standing Orders are being disposed of.

Bihar—

The question of framing Rules under the Act is being considered.

Central Provinces—

Rules under the Act and Model Standing Orders are being prepared.

S: No.	Subject discussed.	When discussed.	Action taken by the Central Government as also the Provincial and State Governments.
	2	3	4
			<p><i>United Provinces—</i> Rules under the Act have been framed. Model Standing Orders have been published and will be finalised after the receipt of comments from the interests concerned.</p> <p><i>Sind—</i> A complete list of factories which are required to submit draft Standing Orders has been prepared and is being kept up-to-date.</p> <p><i>Hyderabad—</i> The standing Orders (Conditions of Employment Order) is to be replaced by an Act.</p>
14	VIII. Proposed Amendment of the Indian Trade Unions Act, 1926.	Seventh Indian Labour Conference (November 1945).	<p>The Indian Trade Unions (Amendment) Bill, introduced in the Central Legislature in 1946, has just been reported upon by the Select Committee of the Legislature.</p> <p><i>Gwalior—</i> The Gwalior Trade Unions Act was passed only recently. The question of amending the Act of 1926 does not therefore arise.</p> <p><i>Hyderabad—</i> The question of amending the State Act will be considered after legislation is enacted in British India.</p>
15	I. Amendment of the Trade Disputes Act (Improvement on	Eighth Standing Labour	The Industrial Disputes Act, 1947 has just been passed by the Central Assembly.

Bengal—

Draft Rules under the Act will be published shortly.

Central Provinces—

The C. P. and Berar Industrial Disputes Settlement Bill, 1946 has gone through the Select Committee stage.

Sind—

An Industrial Relations Bills has been published for eliciting public opinion.

United Provinces—

The United Provinces Government is considering the framing of a Bill, having in view, the provisions of the Central Act, and the Bombay Industrial Relations Act.

Gwalior—

An Industrial Disputes Act has been enacted in which adequate provision for conciliation and adjudication machinery has been made.

Hyderabad—

A draft Industrial Disputes Bill has been prepared.

16 II. Review of Employment in Industry and the extent to which unemployment is likely to occur.

Do.

Please refer to the note on 'Employment and Unemployment' attached to this statement. (Annexure I)

Central Provinces—

No unemployment is expected in the near future owing to the large demand for the products of the Textiles and Mines industries which are the main industries of the province.

Action taken by the Central Government as also the Provincial and State Governments.

S. No.	Subject discussed.	When discussed	Action taken by the Central Government as also the Provincial and State Governments.
1	2	3	4
			<p><i>Madras</i>— The principles laid down in the Government of India Memorandum have been communicated to Industrial Associations and Factories in the Province.</p> <p><i>United Provinces</i>— The Employment Exchange Machinery has widened its scope by catering for all the unemployment persons, and is in course of time expected to be in possession of reliable statistics of unemployment.</p> <p><i>Gwalior</i>— No action has been found to be necessary.</p> <p><i>Hyderabad</i>— No action has been found to be necessary.</p>
17	III. Possibilities of Welfare Trust Funds for Industrial Employees.	Eighteenth Standing Labour Committee (March '46)	<p>The matter has been brought to the notice of the Provincial Governments. As regards Central Undertakings, the Employing Departments have been requested to constitute Labour Welfare Funds.</p> <p><i>Assam</i>— No appreciable progress has been made.</p> <p><i>Bengal</i>— The desirability of creating such funds has been brought to the notice of all industries, but the response from employers is poor.</p>

Bihar—

The matter is under consideration.

Central Provinces—

The employers do not appear to be prepared to set up Welfare Trust Funds on a voluntary basis.

Madras—

The employers have not reacted favourably to the idea.

Orissa—

Efforts are being made to follow the instructions of the Central Government.

Sind—

Employers' Organisations have been requested to persuade their members to take steps, individually or jointly, for the setting up of Welfare Trust Funds.

United Provinces—

The Labour Commissioner has written to all the factory owners on the subject and has directed the Factory Inspectorate to persuade the employers to create Welfare Funds.—It is however felt that legislation will have to be enacted if the scheme is to succeed.

Hyderabad—

A Welfare Fund has been created for the welfare of Coal Mine Workers in the state.

A revised Bill extending the scope of the Factories Act, 1934, in respect of the minimum age of employment, working hours, lighting and ventilation to all workplaces irrespective of the number of workers employed therein, will be introduced in the next session of the Legislature. In other respects, the proposed

IV. Central Legislation for unregulated factories.

Do.

S. No.	Subject discussed.	When discussed	Action taken by the Central Government as also the Provincial and State Governments.
1	2	3	4
			<p>Act will cover factories using power and employing ten or more persons, and also those not using power, but employing twenty or more persons.</p> <p><i>Madras—</i> The Madras Non-Power Factories Bill will be shortly introduced in the Provincial legislature.</p> <p><i>United Provinces—</i> Section 5(1) of the Indian Factories Act has been made use of to bring quite a number of small concerns within the purview of the Act. Provisions of the payment of Wages Act have been also extended to these small concerns.</p> <p><i>Hyderabad—</i> The question is under consideration.</p>
19	V. The Mine Workers' Charter as proposed by the Coal Mines Committee of the I.L.O.	Do. ..	<p>It has been decided to set up a committee to enquire into the conditions of mine workers. Details regarding the personnel and the scope of the Committee are being worked out.</p> <p><i>Hyderabad—</i> A Coal Mines Labour Welfare Advisory Committee has been set up.</p>
20	VI. Attitude of Employment Exchanges during strikes or lock-outs.	Do. ..	<p>Pending agreement between Employers' and Workers' representatives and the final decision of the Indian Labour conference, instructions have been issued to the Employment Exchanges</p>

to the effect that they should accept vacancies and register workmen and inform the parties of the existence of a trade dispute in the concerned undertaking.

Assam—

It has been decided that Exchanges should abstain altogether from recommendations in the case of enterprises affected by strikes or lock-outs.

Orissa—

The Provincial Government's views have already been communicated to the Central Government.

United Provinces—

The United Provinces Government have informed the Government of India that the Greek system is preferable.

Gwalior—

The question has not arisen, but it is proposed to take a neutral attitude should occasion arise.

Hyderabad—

No final decision has yet been reached on the question.

I. Legislation for unregulated Factories.

Ninth Standing Labour Committee (July, 1946).

Please see remarks against item IV of the Eighth Standing Labour Committee.

United Provinces—

The financial implications of the legislation should be known before any action is taken since, unless adequate inspection staff is provided, such comprehensive legislation cannot be implemented with any success.

S. No.	Subject discussed.	When discussed	Action taken by the Central Government as also the Provincial and State Governments.
1	2	3	4
22	II. Regulation of conditions of employment etc. in Business Houses and Commercial Undertakings in Urban Areas.	Do. . . and	<p>The question is under consideration of the Central Government.</p> <p><i>Assam—</i> The Assam Shops and Establishments Bill has been drafted and is likely to be introduced during the next session of the provincial legislature.</p> <p><i>Central Provinces—</i> The Central Provinces and Berar Shops and Establishments Bill has gone through the Select Committee stage.</p> <p><i>United Provinces—</i> The United Provinces Shops and Commercial Establishments Bill is under the consideration of the Provincial legislature.</p> <p><i>Sind—</i> The administration of the Sind Shops Act was reviewed by a conference of the representatives of the Local Authorities concerned with the enforcement of the Act, on 6th and 7th February, 1947.</p> <p><i>Gwalior—</i> A draft Bill is being prepared.</p> <p><i>Hyderabad—</i> A Trade Employees Act is under consideration.</p>

23	III. Revision of the Indian Factories Act, 1934.	Do. . .	<p>A comprehensive Bill on the lines discussed at the meeting will be introduced in the Central Legislature during its next session.</p> <p><i>Gwalior</i>— The State Factories Act has recently been revised and amended.</p> <p><i>Hyderabad</i>— Action by the State will be taken after revision is effected in British India.</p>
24	IV. Holidays with pay Act—Desirability of provision for paid holidays to workers in mines, unregulated factories, plantations, seamen, dock labour, Local Board Employees etc.	Do. . .	<p>This would be covered by the proposed amendment of the Factories' Act.</p> <p><i>United Provinces</i>— Please see remarks of the United Provinces Government against item I.</p> <p><i>Gwalior</i>— The matter is under consideration.</p> <p><i>Hyderabad</i>— Action is under contemplation.</p>
25	V. Revision of the Employment of Children Act, 1939.	Do. . .	<p>It is proposed to raise the minimum age of employment for children to 13 years, with powers to Provincial Governments to prescribe a still higher minimum age for employment in hazardous undertakings.</p> <p><i>United Provinces</i>— Please see remarks of the United Provinces Government against item I.</p> <p><i>Gwalior</i>— No action has been taken.</p>

Action taken by the Central Government as also the Provincial and State Governments.

S. No.	Subject discussed.	When discussed	
1	2	3	4
			<p><i>Hyderabad</i>— Action will be taken after the Central Act is revised.</p> <p>Please see remarks against item V of the 8th Standing Labour Committee.</p> <p><i>Hyderabad</i>— Revision of the State Act is under consideration.</p>
26	VI. Revision of the Mines Act, 1923	Do.	<p>The question was re-examined in the light of the views expressed by Provincial Governments and it was found that under the present inflationary conditions any attempt to undertake large scale construction would force prices still higher and would militate against the economy of the country as a whole. Provincial Governments were therefore advised to consider and draw up only such schemes as were urgent and pressing and necessitated implementation even with the present abnormally high building costs. It is hoped that Provincial Governments might be able, in such cases, to indicate the share of the cost that might be borne by industrialists, municipal authorities and the Provincial Governments respectively. The Central Government, for their part, would be prepared to co-ordinate in, any such measures by rendering reasonable financial as well as technical assistance. In the changed circumstances, the setting up of a Central Housing Board under the Central Government has been deferred till large scale co-ordinated schemes of housing could be taken up.</p>
27	VII. Report of the Housing Sub-Committee.	Do.	

Assam—

Assam is mainly concerned with the housing of plantation labour and the matter is being planned by the Indian Tea Association on the basis of the discussion at the Plantation Labour Conference held recently.

Bengal—

At present the Provincial Government give assistance in acquiring land for the construction of houses for industrial workers. A 'Location of Industries Office' has been set up to help industries in locating their works and houses for labour. This office has indicated a certain area in the Kanchrapara Development Scheme to be earmarked for location of housing for workers.

No scheme to be financed partly by Government subsidy has so far been prepared. Building of houses to accommodate working class people in Calcutta is under consideration.

Bihar—

A special officer has been appointed under the Commissioner of Labour to tackle the problem of Industrial Housing. His report is awaited.

Central Provinces—

The Provincial Government had made a provision of Rs. 1,50,000 in their development Budget for 1946-47.

Madras—

Schemes of an urgent nature received by the Provincial Government will be considered on merits and the Central Government's financial aid will be sought when necessary.

S. No.	Subject discussed.	When discussed	Action taken by the Central Government as also the Provincial and State Governments.
1	2	3	4
			<p><i>Sind—</i> No specific action has yet been taken. So far as Karachi is concerned Government have appointed a Housing Sub-Committee of the Interim Committee for greater Karachi to review the problem of housing congestion in its local aspect.</p> <p><i>United Provinces—</i> The matter is under active consideration, and the United Provinces Government have engaged the services of an American expert (Mr. Albert Mayer) for evolving a scheme of house planning.</p> <p><i>Gwalior—</i> A committee has been appointed to consider the question.</p> <p><i>Hyderabad—</i> A housing committee has been appointed under the Post-War Planning Department. Schemes are being formulated for workers' colonies and employers are being moved to collaborate with Government.</p>
28	VIII. Amendments of the International Labour Organisation Constitution.	Do.	Necessary instructions on the lines of the resolution adopted by the Committee were issued to the delegates attending the Twenty-Ninth Session of the International Labour Conference.

29.	IX. (i) Attitude of Employment Exchanges during Strikes and Lock-outs. (ii) Employment Advisory Committees.	Ninth Standing Labour Committee. (July. 1946).	(i) Please see remarks against item VI of the Eighth Standing Labour Committee. (ii) A note on the constitution of Central, regional, and sub-regional Employment Advisory Committees is attached. (Annexure II) (iii) There is no provision in the Vocational Training Scheme for ex-servicemen for giving financial assistance to the trainees to enable them to start their own industries. Nor is it considered necessary to have such a scheme as there will be no guarantee that the money given will be used for the purpose intended. Under the Vocational Training Scheme, a bonus will be given to them which although not sufficient in itself will help them some extent to set up their own business if they wish to do so.
30.	(iv) The question of extending Vocational Training facilities to discharged Industrial workers also.		(iv) The Labour Department Technical and Vocational Training Scheme provide only for ex-Servicemen and women and not for the discharged war workers. As the question of extending the facilities to other war workers will entail huge expenditure, it has been dropped.
	X International Labour Office Questionnaire on Protection of Children.	Do	The suggestions made at the meeting were incorporated in the Brief to the Government Delegates attending the 29th Session of the International Labour Conference.
31.	XI. International Labour Office Questionnaire on Minimum Standards of Social Policy in Dependent Territories.	Do.	The question of ratifying the Forced Labour Convention, to which reference was made in the Committee, is under consideration. The draft Texts of the Conventions in respect of Non-Metropolitan Territories, to be adopted by the 30th Session of the I.L.O. are being examined.

Annexure I to Appendix I

NOTE ON EMPLOYMENT AND UNEMPLOYMENT IN BRITISH INDIA.

Until the submission of Statistical data becomes a statutory obligation, it will clearly be impossible to assess the extent of employment or unemployment in the country. At the present time some information is being collected from Central Government Departments showing the discharges and engagements of workers but practically no information is available from Provincial Governments and private employers. It is, therefore, quite impossible to draw any conclusion as to whether the persons who have been discharged from Central Government Departments since the cessation of hostilities have been re-absorbed in private and provincial employment. Again since it is not obligatory for war workers to register themselves at Employment Exchanges when they are discharged or become unemployed, it is not possible to be certain how many war workers are still unemployed.

2. Employment Exchanges have not, as yet been tried to the fullest extent nor have they become very widely known and although it can be said that both employers and employment-seekers are showing increasing confidence in the value of the Exchange system, it is as yet, too early to conclude that the number of persons registered for employment at Exchanges is a reflection of the degree of unemployment in the country. It is possible, however, to say that the number of ex-Servicemen and discharged war-workers who are awaiting employment is definitely rising each month. This number is increasing despite the fact that between 11 and 12 thousand persons are being placed each month through the efforts of the Exchange Service. It is undoubtedly true that the speed with which men are being demobilised is greater than the absorption of men into civil employment. But this is not unexpected or surprising. During the year under review the placings have steadily increased and as soon as provincial post-war plans come into operation the demand for manpower will almost certainly exceed the supply. In this connection it should be remembered that demobilisation will have come to an end within a few months.

3. In order to prepare manpower estimates during the post-war period a proforma known as Form MP-1 has been devised in the Directorate-General of Resettlement and Employment for the purpose of assessing on an all-India basis the manpower requirements of Central and Provincial Governments and of private employers during the post-war period. Information is being collected by Assistant Directors of Employment from Government Departments and private employers who are willing to co-operate. Both Government Departments and private employers are being requested to estimate the number of workers required by categories so that an attempt can be made to relate the number of persons known to be available for employment at Employment Exchanges or in training at Technical and Vocational Training Centres, with the requirements of post-war development. It must be emphasised, however, that until such time as steps have been taken to make the submission of information about manpower requirements obligatory it will be impossible to assess with any accuracy probable demands.

It the post-war plans of the Central and Provincial Governments are launched in the near future and if the 1300 private industrialists to whom sanction for the issue of capital has been given, are able to establish their business, the prospects of employment can be viewed optimistically. There

are, however, strong indications that there will be considerable shortage of specialist skilled manpower.

Given below are figures relating to the work done by the Resettlement Organisation up to the end of February 1947. Figures are in respect of all personnel.

Total Registration	... 7,26,776
Total Placings	1,39,961
No. of ex-servicemen under training in Vocational and Technical Training Centres (including ex-service women and Disabled personnel)	... 8,286

Annexure II to Appendix I

NOTE ON THE CONSTITUTION OF EMPLOYMENT ADVISORY COMMITTEES.

During the course of discussion at the last meeting of the Standing Labour Committee, Mr. N. M. Joshi raised the question of the constitution of Employment Advisory Committees, and asked for a list of the Organisations that were addressed by Government in this connection. The position in regard to those Advisory Committees is as follows :—

(1) A Central Employment Advisory Committee fully representative of all the important interests concerned, has been set up to advise the Directorate-General of Resettlement and Employment on all problems connected with the resettlement and employment of demobilised Services Personnel and discharged war-workers and the training of ex-Servicemen. The Committee includes representatives of :—

- (i) Provincial Governments.
- (ii) Central Government Departments of Industries and Supplies, Railway, Post and Air, Defence, Commerce, Transport, Agriculture, Education and Health.
- (iii) The Central Legislature.
- (iv) The Indian Soldiers', Sailors' and Airmen's Board.
- (v) The Central Medical Resettlement Committee.
- (vi) The Indian States of Hyderabad, Travancore, Mysore and Patiala and the Chambers of Princes.
- (vii) The All-India Trade Union Congress.
- (viii) The Indian Federation of Labour.
- (ix) The All-India Organisation of Industrial Employers.
- (x) The Employers Federation of India.
- (xi) The Inter-University Board.
- (xii) The Associated Chambers of Commerce.
- (xiii) The Federation of Indian Chambers of Commerce and Industry.
- (xiv) The Federation of Muslim Chambers of Commerce and Industry.
- (xv) The Central Body of the Y. W. C. A.
- (xvi) The All-India Women's Conference.

The first meeting of the Committee was held on the 25th January, 1947, in which it was decided to form a sub-committee of Vice-Chairmen for the purpose of framing rules of procedure for future meetings and determining the composition of Sub-Committee on Employment Exchanges, Employment, Training, Rehabilitation and Resettlement of the Disabled, and Training and Employment of ex-Service Women.

2. Employment Advisory Committees have also been attached to the Regional Directorates of Resettlement and Employment in the provinces and to the Sub-Regional Employment Exchanges in the various regions. These Committees have been formed with the object of advising the Regional Directors of Resettlement and Employment and the Sub-Regional Exchanges concerned on questions relating to the resettlement and employment of demobilised Services Personnel and discharged war-workers and

the training of demobilised Services Personnel. The constitution of these committees provides for representation to the following interests :—

1. Regional Employment Advisory Committees.

- (i) Provincial Government or Governments in the region.
- (ii) Important employing Departments or undertakings of the Central and Provincial Governments, e.g., Railways, Post and Telegraph, Public Works, Electricity, Industries, Education and Co-operative Departments, etc.
- (iii) Provincial Legislature.
- (iv) Recognised employers' organisations, e.g., Chambers of Commerce, Engineering Associations, etc.
- (v) Recognised Workers' organisations.
- (vi) University or Universities in the region.
- (vii) Public Service Commission of the Province.
- (viii) Important Indian States in the region.
- (ix) Corporation, if there is any, in the region, or the Municipal Committee at the Headquarters of the Region.
- (x) Provincial Soldiers,' Sailors,' and Airmen's Board.
- (xi) The Services Resettlement Liaison Officer.
- (xii) The Chief Civil Liaison Officer.
- (xiii) Women's organisation in the region.

II. Sub-Regional Employment Advisory Committees.

- (i) Collector, Deputy Commissioner or the District Magistrate concerned—Chairman.
- (ii) Indian State or States in the area covered by the Exchange.
- (iii) Two representatives of Employers.
- (iv) Two representatives of workers.
- (v) One representative of each of the District Soldiers', Sailors', and Airmen's Board's within the area covered by the Exchange.
- (vi) One representative of each of the District Boards and Municipalities within the area covered by the Exchange, to be nominated by the Provincial Government.
- (vii) One representative of the Chief Liaison Officer.

These Committees have been formed by the Regional Directors in consultation with and with the approval of the Provincial Governments concerned. Regional Advisory Committees have already been constituted in the provinces of Bengal, Punjab, North West Frontier, Delhi and Assam, and their Composition notified in the Gazette of India. Similarly a number of the Advisory Committees for the Sub-Regional Exchanges have already been formed and their composition notified in the Gazette of India. The Committees which have so far been formed have held a number of meetings. The Regional Directors have been asked to take necessary steps to expedite the formation of Committees where they have not yet been formed.

APPENDIX I SUPPLEMENT

(This supplementary note indicates the action taken on subjects discussed at meetings earlier to the Sixth Standing Labour Committee, and which have not been included in the agenda of subsequent meetings).

S. No.	Subject discussed	When discussed.	Action taken.
1	2	3	4
1	I. War-time legislation affecting labour : (a) Tripartite collaboration machinery in Provinces and States	1st Standing Labour Committee (November—December 1942).	Madras. A decision on the question has been deferred. Bengal. It has been decided to set up a tripartite Labour Advisory Board with different committees for different industries to advise Government on the various problems relating to industrial disputes. Provisionally a Labour Advisory Board has been formed and a Sub-Committee appointed by it has framed a draft constitution which provides for setting up of Sub-Committees to deal with specific problems and industries. The question of amending the Act on the basis of the experience gained in the working of the Act during the last four years is under the active consideration of the Industries and Supplies Department. In March 1945, the Central Government addressed the Provincial authorities and the Employers' Associations inviting their co-operation for collecting statistics of earnings and employment on a voluntary basis in the first instance in respect of factories employing 50 or more workers. The intention was however, to make the obligation statutory in due course. The response from the Provincial Governments has not been encouraging.
2	VII. Industrial Statistics Act (XIX of 1942)	3rd Standing Labour Committee (May, 1943)	

3 VII. Model Provident Fund Rules.

5th Labour Conference.
(September, 1943).

Central Government.

The final draft of the Model Provident Fund Rules has been referred to the Finance, Commerce and Legislative Departments, with a view to find out if they can be issued in anticipation of the amendment of the Indian Companies Act, which is necessitated by the Rules.

Copies of the Rules have been supplied to Provincial Governments and Administrations with the request that they might be forwarded to the industrial employers in their respective jurisdictions. The All India Industrial Employers' Associations have also been supplied with copies.

Hyderabad.

A Compulsory Provident Fund Act was discussed in the Sub-Committee of the Statutory Labour Advisory Committee. It is to be enforced in the near future.

4
III. Model Provident Fund Rules.
4th Standing Labour Committee (January, 1944).

Please refer to the remarks against the item above.

5 VI. Absenteeism.

In November 1944 Labour Department circulated to the Provincial and States Governments and Employers' and Employees' Associations a definition of absenteeism and a form for recording it for distribution among undertakings which maintained data regarding absenteeism. It was however noticed that very few concerns had taken sufficient interest in this work and sent proper returns. It is considered desirable and necessary to study the reasons for absenteeism and seek appropriate remedies wherever possible. The work could not be undertaken owing to the absence of the necessary personnel to undertake a large scale investigation on an adequate basis. If, however, it is found possible to undertake the work, a start would be made at one or two centres and further progress would depend upon the results achieved in respect of this limited study.

Information being collected.

6 VII. Maintenance of Records of Service of Industrial Workers.

do.

APPENDIX II

BRIEF REPORT ON LABOUR POLICY AND ADMINISTRATION DURING 1946-47.**I. FIVE YEAR PROGRAMME.**

1. A programme of legislative and administrative measures to be undertaken by Central and Provincial Governments with a view to bring about a substantial and marked improvement in the health, efficiency and working conditions and the standards of living of workers was placed before—

- (a) a Conference of Provincial Labour Ministers held on the 15th and 16th October, 1946;
- (b) a Conference of States Ministers held on the 29th and 30th November, 1946; and
- (c) a Conference of representatives of employers' and workers organisations held on the 5th December, 1946.

These Conferences generally approved of the programme (Annexure I). The programme was also considered and approved by the Standing Advisory Committee attached to the Labour Department at its meeting held on the 29th March, 1947.

2. The general consensus of opinion at the Conference of Provincial Labour Ministers held in October, 1946, was that as far as possible legislation should be central, Provinces being free to pursue more forward policies, wherever circumstances require or justify such action. There was also agreement that Central and Provincial Governments should regularly exchange information not only in regard to matters relating to industrial unrest but also in respect of important activities touching on labour policy and administration. To secure an effective co-ordination of policy and administration, it was unanimously decided that Labour Ministers should meet at least twice a year, and oftener if necessary, exchange notes, review the progress achieved so far and decide upon the future course of action.

3. The States Ministers, at the Conference held on the 29th November also agreed to the necessity of a co-ordinated labour policy and, to secure this objective to join the Ministers' Conference. Subject to such variations as may be found necessary to suit local conditions, States Ministers agreed to consider and give effect to such decisions as may be reached at the Ministers' Conference. They also agreed to the exchange of information referred to in para. 2 above.

II. FACTORIES.

4. *Factory Legislation.*—Important changes in law were effected during the year under review by the Amending Act of 1946 which came into force from 1st August, 1946. It reduced the maximum working hours per week in seasonal and non-seasonal factories from 60 and 54 to 50 and 48 respectively, and provided for a uniform rate of overtime payment calculated at double the ordinary rate.

5. A further Amending Act passed recently (in 1947) empowers Provincial Governments to make rules requiring the provision of canteens in factories employing over 250 workers. The rules will provide *inter alia* for the following matters:

- (a) standards of construction, accommodation, furniture and other items of equipment,

(b) food to be served in the canteens and charges that may be levied, and

(c) representation of workmen on the management.

6. Steps are also being taken to effect a thorough revision of the Factories Act on the general lines approved by the Standing Labour Committee at its meeting held in July 1946. The Bill is expected to be ready in a month or two.

7. *Administration of the Factories Act.*—Detailed instructions were issued to Provincial Governments in connection with the working of the provisions of the Factories Act relating to holidays with pay. The practical difficulties in the working of the Section 35 (A) in the case of continuous process factories were examined on representation from the industry. It was agreed that, in their case, a continuous 24-hour rest period should be regarded as a holiday under the law and that this should be clarified by an amendment.

8. On a representation from the sugar industry to the effect that it was not possible for them to observe a 50-hour week by 8-hour shifts, provincial Governments were requested to grant sugar factories exemption from Section 34 of the Act. It is understood that the Provincial Governments have granted exemption to the factories.

9. *Organisation of the Chief Adviser Factories.*—The Central Government have set up a nucleus organisation, under the Chief Adviser Factories, to advise them, the Provincial Governments and employers, on the design and layout of factories, on standards of housing and on the most suitable working conditions, to ensure maximum efficiency of production, and welfare and safety of workers. The organisation will also assist the authorities in prescribing and enforcing power standards in matters like factory construction, lighting, temperature, humidity control, improvement in layout ventilation arrangements, sanitation, construction and design of canteens, conditions of work, e.g., health and safety precautions and control of dust. The services of two Inspectors of Factories in the United Kingdom have been obtained on contract. Sir Wilfrid Garret, till lately Chief Inspector of Factories in the United Kingdom came to India on a contract for six months, to assist Government in the revision of the Factories Act and to place the Chief Adviser's Organisation on a sound footing.

10. *Training of Factory Inspectors.*—An important decision taken with regard to the Factory Advisory organisation is that the Chief Adviser Factories should also conduct periodically short intensive training and refresher courses for factory inspectors and others interested in the administration of the Factories Act. The first course of training which commenced on the 24th February, 1947, was conducted under the personal guidance of Sir Wilfrid Garrett, Chief Adviser Factories. In conducting the course the Chief Adviser was assisted by experts on the various subjects included in the syllabus of training. It was an intensive course of training intended to initiate the young Inspectors in the fundamentals of factory inspection and welfare work and to supplement the practical knowledge and experience that the Inspectors have to gain by their practical work in their respective Inspectorates. The training course was attended by 12 Inspectors from the Provinces and 7 from the States.

11. *Strengthening of Factory Inspectorate*.—At the Ministers Conference held in October 1946 the question of strengthening the Factory Inspection Services in the Provinces to secure an adequate enforcement of the factory legislation was considered, and it was suggested that the standard strength of Factory Inspectorates should be one Inspector for every 150 to 200 factories. This was generally agreed to.

12. *Industrial Museum*.—A Museum of Industrial Safety, Health and Welfare, is being set up in Delhi to serve as a centre of demonstration and a permanent exhibition of methods, arrangements and appliances for promoting the safety, health and welfare of industrial workers. The exhibits are being collected.

III. MINES

Colliery Labour

13. *Conciliation Board*.—Government, set up a coalmines Wages Enquiry Committee in December 1946 to enquire into and recommend reasonable rates of wages for the different categories of workers in the collieries. Owing to certain unforeseen circumstances the Committee could not start functioning. Meanwhile the situation in collieries deteriorated considerably. As a breakdown in coal production would have had serious repercussions on other industries, a Board of Conciliation was set up under the Trade Disputes Act, 1929, with Mr. W. R. Puranjik, Retired Judge of the Nagpur High Court as Chairman and four other members representing equally the employers and the labour. The Board is enquiring into the disputes existing or apprehended in the coalfields situated in the Provinces of Bengal and Bihar, with a view to promoting a settlement. It is expected to conclude its proceedings by about the middle of April.

14. *Coal Mines Labour Welfare Fund*.—The Coal Mines Labour Welfare Fund Ordinance was promulgated in 1944 to provide for the levy of an excise duty at a rate not exceeding Rs. 0/4/0, per ton of coal and coke despatched from collieries in British India by rail. The proceeds aggregating about Rs. 55 lakhs annually are earmarked exclusively for promoting the welfare of labour employed in the coalmining industry. The Fund is administered by the Central Government in consultation with an Advisory Committee composed of representatives of the Central and Provincial Governments, the employers and workers. Government have undertaken a number of welfare measures, some of the important ones being malaria control, hospitalisation, improvement of water supply, improvement of housing, pithead baths, supply of consumer goods. Steps for the control of malaria have been undertaken, under the direction of the Director of Malaria Institute of India, in Jharia, Raniganj, Hazaribagh, Bokaro, Margherita, Pench Valley, Chanda, Baluchistan, and Korea. Malaria control has been successful in appreciably reducing the incidence of malaria. It is proposed to construct two Central Hospitals, each having about 100 beds at Dhanbad and Asansol. It is also proposed to build two Regional Hospitals with 10 to 12 beds each in each of the Jharia, Raniganj and the Central Provinces coalfields and construction has already begun on some of them. Four Maternity and Child Welfare Centres, two each in the Jharia and Raniganj coalfields, are also being constructed along with the regional hospitals.

15. Colliery owners have in many cases provided dispensary services for the benefit of miners employed by them and the employers' responsibility in this direction is well recognised. To ensure that this responsibility is properly discharged, it is proposed to raise a fund by the levy of a cess of 8 pies per ton on coal and coke despatches. A grant-in-aid will be made from the fund to such employers as provide dispensary services to prescribed standards, subject to the condition that the grant-in-aid does not exceed an amount equivalent to the collection made in respect of coal and coke despatches from the colliery concerned or the amount actually spent by the employer, whichever may be less. Where employers have not provided adequate dispensary services, the Fund will itself provide them.

HOUSING OF COLLIERY WORKERS

16. Government propose to arrange for the construction of 50,000 houses in the course of the next five years. According to present estimates, the houses are expected to cost Rs. 2,500 each exclusive of land. In respect of the first 11,000 houses, Central Government will give a subsidy of Rs. 400 a house, and the balance will be met from loan funds. As miners have been in receipt of rent free accommodation, it is not proposed to levy a rent or at any rate more than a normal rent. The interest and maintenance charges will be met from the proceeds of a small cess of one anna four pies per ton on coal and coke despatches. The Coalmines Welfare Fund Bill provides for a levy of this cess and for the constitution of a Housing Fund. To provide for eventualities, power is also proposed to be taken to raise the cess to three annas four pies per ton, if found necessary.

17. The houses will be built in townships of 3,000 houses each. Construction work has already been started in two townships, one in Bihar and the other in Bengal.

18. Provision of water supply is also engaging attention.

19. *Mica Mines Labour Welfare Fund*.—The Mica Mines Labour Welfare Fund Act, 1946 passed last year, for promoting the welfare of the labour employed in the mica mining industry, provides for the levy of an export duty of 2½ per cent *ad valorem*. The annual income is expected to be about Rs. 5 to 6 lakhs. Statutory rules for the proper enforcement of the Act are being framed.

IV. AGRICULTURAL AND PLANTATION LABOUR.

20. *Enquiry into the conditions of Agricultural Labour*.—The questionnaire prepared by this Department together with an explanatory memorandum has been sent to all Provincial and States Governments for their comments and criticism, more particularly—

- (a) whether the questionnaire is suitable for the purpose it is intended to serve and what modifications, if any, they would like to suggest to provide for special conditions, if any, in their respective provinces and territories.
- (b) whether the suitability of the method proposed to be adopted for the enquiry namely, random sampling and of the questionnaire should be tested by means of a pilot survey.
- (c) which agency would be, in their view, the most suitable one to be entrusted with the responsibility for the collection of data; and

- (d) whether they consider that this opportunity should be utilised to collect other information relating to rural labour problems, and if so, in what respects the questionnaire should be amplified to secure this objective.

Provincial and States Governments have been requested to send their replies not later than the 15th of May 1947. The questionnaire and the Memorandum have also been sent, for criticism, to certain select economists and men of public affairs who have devoted time and thought to a study of problems connected with agricultural labour.

21. *Plantation Labour*.—A Tripartite Conference was held on the 8th and 9th January at New Delhi under the Chairmanship of the Hon'ble the Labour Member to consider problems affecting tea Plantation Labour. The Conference was attended by Ministers from Assam, Bengal and Madras. As a result of the discussions, it was agreed that a quick Family Budget Enquiry should be instituted to ascertain the requirements of workers and that as soon as the investigation is concluded, there should be another Conference to discuss and fix fair rates of wages for workers in tea Plantations. Pending this, employers in Assam and Bengal have agreed to give an *ad hoc* dearness allowance of 2 annas per day for every adult worker and one anna per day for every child worker in the *hazira* rates and a 25 per cent increase for the monthly rated workers. The Conference also agreed that women workers should be given a maternity benefit equivalent to 12 annas a day for a period of 8 weeks and that adult workers should be given a sickness benefit equivalent to 10 annas a day for every day of certified sickness, subject to a maximum period of two weeks a year. The Conference agreed that Government should prescribe and enforce standards regarding housing, sanitation and medical services in Plantations. The general consensus of opinion was in favour of the extension of the Primary Education Acts to Plantation areas, and this question was remitted to Provincial Governments for consideration. There was a general recognition about the necessity for organising welfare work. The Conference also unanimously recommended that a special Plantation Labour Act should be promoted to secure the objective set out above.

22. The Conference also resolved that the Tripartite Plantation Conference should be made a permanent institution and that it should consider problems affecting all plantation labour whether of tea, coffee or rubber. Appropriate Committee will be set up to consider specialised problems affecting each section. But the Conference, as a whole, will consider all the major problems.

23. The enquiry into Family Budget has been initiated and Mr. Deshpande, Director, Labour Bureau, is in-charge of it. The Government of Travancore, Mysore and Cochin have been invited to arrange for similar enquiries in Plantations in their territories. They have also been informed that Government of India would, if the States so require arrange for Mr. Deshpande to visit the States and advise them on the technique and such other matters as may be necessary to secure a co-ordinated enquiry. Major Lloyd Jones Deputy Director General, Indian Medical Service, has been requested to visit the tea gardens in Assam Bengal and South India and to draw up in consultation with Provincial Medical authorities and Medical Officers of the employers' associations standards in respect of their medical services. Major Jones has already completed his tour of gardens in Assam.

24. Questions relating to the special plantation legislation are also being studied.

25. *Forced Labour*.—A proposal is under consideration to appoint a Committee of Enquiry composed of representatives of the British India and the Indian States. The terms of the Committee will include collection of information and the formulation of recommendations for the eradication of forced labour throughout India.

V. SOCIAL INSURANCE.

26. The Workmen's State Insurance Bill covering Health Insurance, maternity benefit and employment injury for workmen employed in or in connection with work in perennial factories was introduced in the Central Legislative Assembly on the 6th November 1946 and circulated departmentally for eliciting public opinion. The Act as framed will apply to factory workers only. It is intended to extend the Scheme to other workers also, after sufficient experience is gained and the requisite administrative organisation is set up.

27. Work preliminary to the implementation of the Scheme has been started. Provincial Governments have been addressed regarding the organisation of the medical care and treatment to insured workers, which should be completed before the Scheme can be inaugurated. Employers have been addressed in regard to utilisation of the existing medical facilities provided by them.

VI. GENERAL.

28. *Indian Trade Unions (Amendment) Bill*.—The Trade Unions Act, 1926, while it provides for registration of Trade Unions, does not impose any obligation on employers to recognise them. It has long been felt that in existing conditions in India, there should be some obligation laid on employers to recognise trade unions, provided they are truly representatives. The Indian Trade Unions (Amendment) Bill seeks to meet this long felt need by providing for obligatory recognition of representative trade unions. The bill provides for the constitution of Labour Courts to decide disputes relating to the recognition.

29. The Bill specifies certain acts as unfair practices on the part of recognised trade unions and certain other acts as unfair practices on the part of employers.

Provision has been made for the withdrawal of recognition where any executive officer or member of a recognised trade union is guilty of an unfair practice or when a trade union ceases to be representative or on its failure to submit any return prescribed by or under the Bill. An unfair practice on the part of the employer has been made an offence.

30. The Bill has passed through the Select Committee stage and it will be taken up for consideration at the next session of the Legislative Assembly.

31. *Industrial Employment (Standing Orders) Act and Rules*.—The Industrial Employment (Standing Orders) Act passed in 1946, provides for the framing of 'Standing Orders' defining conditions of

of employment in all industrial establishments employing one hundred or more workers. The Act applies in the first instance to 'industrial establishments' specified in section 2 (e) which include, besides factories and railways, mines, quarries and oilfields, tramways and motor omnibus services, docks, wharves and jetties, inland steam vessels, plantations and workshops. The Act may be extended by the appropriate Government to other classes of industrial establishments wherever necessary, by notification. Within 6 months from the date on which the Act (viz., 23rd April 1946) came into force, the employer has to submit draft standing orders to the 'certifying officers' for certification. The draft should cover all matters specified in the schedule to the Act and any other matters that Government may prescribe by rules. The certifying officer is empowered to modify or add to the draft standing orders so as to make them certifiable under the Act. It is not function (nor of the appellate authority) to adjudicate upon their fairness or reasonableness. There is a right of appeal against the decision of the certifying officers.

32. *Evolution of fair terms of service for workmen.*—As part of the five year programme prepared by this Department, steps would be taken to evolve, in agreement with employers and workers, fair terms of service particularly in regard to security of tenure and elimination of unjust reductions and discharges from service. For this purpose it is proposed to obtain the terms of service formulated by employers under the Industrial Employment (Standing Orders) Act, 1946, compare them and evolve one or more standardised sets of terms of service suitable for particular industries. The ultimate aim is the achievement, to the maximum extent possible, of uniform conditions of service. The work of collecting the relevant material for evolving fair terms of service has been entrusted to the Chief Labour Commissioner (Central). Provincial Governments have been requested to issue instructions to their officers to afford every assistance to the Chief Labour Commissioner in his investigations and to furnish him with copies of certified standing orders as and when they are furnished to the employers concerned.

33. Welfare Fund for Central Government Industrial Undertakings.

Government have issued orders making provision for grants-in-aid to staff Welfare Funds on the following scale:—

- (a) During the first year the Central Government will contribute at the rate of Re. 1/- per worker without any stipulation as to contribution from workers;
- (b) During the second and third year, the Government grant, which will be made unconditionally, will be annas eight per worker per annum *plus* an amount equivalent to the employee's contribution subject to a limit of eight annas per worker;
- (c) During the fourth year, the Government grant will be equal to the employee's contribution or Re. 1/- per worker which ever is less.

The Welfare Fund should be utilised to provide recreation, sports, games, dramas, cinema shows, reading rooms, provision of books, etc. to workmen employed in Government undertakings including clerical and other staff. Amenities, such as water supply, tiffin rooms and rest sheds, canteen facilities, for the provision of which the employer is normally responsible, are not to be financed from this Fund.

34. *Welfare Fund for other Industrial Undertakings.*—Provincial Governments and Employers' associations have been addressed on the need for

setting up Welfare Trust Funds. The following items are considered appropriate as charge on them:—

- (a) Education of the workers and their dependants,
- (b) Health of the workers and their dependants,
- (c) Recreation and entertainment for workers and dependants,
- (d) Other general amenities,
- (e) Administration of the Fund.

35. *Payment of Wages Act.*—By a notification issued on 16th December, 1946, the Payment of Wages (Federal Railways) Rules were amended to bring within their scope workers employed by railway contractors employing 20 or more persons. The Government of Madras have extended the provisions of the Act to persons employed on tramways, motor omnibus services and plantations.

36. The question of the extension of the Act to mines is now under active consideration.

37. *Statutory Regulation of the employment of dock labour.*—It is proposed to enact legislation to enable the appropriate Government to direct the preparation of schemes for regulating employment of labour in docks. A draft Bill prepared by the Legislative Department is now under departmental scrutiny and it will be soon ready for introduction in the Assembly or for publication in the Gazette.

38. *War Injuries Scheme.*—Increase in pensions.—In view of the rise in the cost of living the adequacy of the rates of family pensions, disability pensions and children's allowances admissible in the War Injuries Scheme, was reviewed and a decision has been taken to grant certain temporary increases with effect from 1st April 1946. The increase in the case of disability pensions as well as family pensions will be Rs. 4/- per month and, in the case of children's allowance Rs. 2/- per month per child.

VII. INDUSTRIAL UNREST AND INDUSTRIAL DISPUTES ACT.

39. *Labour unrest and measure taken to deal with it.*—The end of the war was followed by a war of industrial unrest and discontent which became more pronounced during the middle and latter half of 1946. The more important demands put forward by the workers related to increase in wages and dearness allowance security of service, recognition of union, supply of adequate and better quality of food-stuffs, grant of bonus, and improvement in working, living and service conditions. There were industrial disputes in Government undertakings relating to railways, ordnance, depots, ports, dockyards, mints, presses, Posts and Telegraphs Department. Annexures II and III will give an idea of the number of strikes and threats of strikes in Central Government undertakings in 1946-47 and the stoppages of work as a result of strikes in the country.

40. The major disputes, namely (1) between the Posts and Telegraphs Department and their workers and (ii) between the All India Railwaymen's Federation and the Railway Administrations were referred to adjudication. In both the disputes, Mr. Justice G. S. Rajadhyaksha was appointed the adjudicator. The main demands of the Postal employees was the determination of interim relief pending the findings of the Central Pay Commission. The award was made in July 1946. The railway dispute was in respect of retrenchment and for immediate increase in wages and bonus. The Adjudicator, Railway Dispute is expected to conclude his work by end of April 1947.

41. *Legislation for the prevention and settlement of Industrial Disputes.*—Under the Trade Disputes Act, 1929, while restraints were imposed on the right to strike and lockout in public utility services, there was no provision to render conclusive and binding on the parties the proceedings instituted under the Act for the settlement of disputes either by reference to a Board of Conciliation or to a Court of Enquiry. During the war, the defect was made good by the Defence of India Rule 81A which enabled Government to refer industrial disputes to adjudicators and to enforce their awards. This rule had proved very useful and restricted industrial unrest at a critical period of postwar industrial readjustment. The need for embodying these principles in permanent legislation became obvious. The Industrial Disputes Bill, which has since been passed into law, embodies the essential principles of Rule 81A while retaining intact, for the most part, the provisions of the Trade Disputes Act of 1929.

42. *The Industrial disputes Act, 1947.*—Which came into force on the 1st of April 1947 provides *inter alia* for two new institutions for the prevention and settlement of industrial disputes, namely, (i) Works Committees consisting of representatives of employers and workmen and (ii) Industrial Tribunals consisting of one or more members who are or have been judges of the High Court or District Judges or qualified for appointment as judges of a High Court. The awards of adjudication are made binding on the parties but, when the Government is the employer and finds that the acceptance of an award is not in the public interest, the matter must be brought before the Legislature for final decision.

43. The Industrial Disputes Act repeals the Trade Disputes Act, 1929, and the Trade Disputes (central) Rules lapse with the repeal of the Act. Draft rules under the Industrial Disputes Act have recently been published.

VIII. LABOUR BUREAU

44. *Labour Bureau.*—A Labour Bureau was constituted with effect from 1st October 1946 and its main functions will be :

- (1) to collect statistics relating to labour, examine the statistical methods employed by the various agencies with a view to the adoption of uniform and scientific technique, and to arrange for the publication of labour statistics;
- (2) to maintain the Cost of Living Index Numbers;
- (3) to keep up to date the factual data relating to working conditions collected by the Labour Investigation Committee;
- (4) to conduct research into specific problems with a view to furnishing data required for the formulation of policy;
- (5) to edit the Indian Labour Gazette to the standard of a first class monthly magazine devoted to the labour affairs; and
- (6) to edit a Labour Code of the various Legislative enactments and the statutory rules made thereunder and also a Year Book giving an authoritative description of labour affairs in this country.

IX. CONFERENCES.

45. Two International Conferences were held during the year, one dealing with subjects relating to Seafarers held at Seattle, and the other main Conference at Montreal.

46. India was represented at both these Conferences by a tripartite delegation. The subjects dealt with at the Seattle Conference are referred to

in another section. The most important question that the Montreal Conference dealt with was the revision of the Constitution. Thanks to the efforts made by Indian Delegation, the reservation of 10 seats on the Governing Body for non-European countries has been retained. The Conference adopted four International Labour Conventions, two Recommendations, 14 Resolutions, of which the following are of interest to us in India—

- (a) Convention concerning medical examination for fitness for employment in Industry of children and young persons;
- (b) Convention concerning medical examination of children and young persons for fitness for employment in non-industrial occupations;
- (c) Convention concerning the restriction of night work for children and young persons in non-industrial occupations;
- (d) Recommendations concerning the medical examination for employment of children and young persons; and
- (e) Recommendation concerning the restriction of night work of children and young persons in non-industrial occupations.

47. The Standing Labour Committee held a meeting in July at which a number of important subjects relating to revision of the Factories Act and its applications to what are now popularly known as unregulated factories, hours of work in mines regulation of conditions of employment in shops and commercial establishments, housing standards for workers were discussed. Owing to pressure of business, the Indian Labour Conference could not be convened in the cold weather. Mention has also been made in another connection of conferences of Provincial and State Ministers to consider, among others, the five year programme formulated by Labour Department. A special meeting of the representatives of workers and employers was also held in December to consider the programme.

X. SUMMARY OF THE ACTIVITIES OF THE DIRECTORATE GENERAL OF RESETTLEMENT AND EMPLOYMENT FOR THE YEAR 1946-47.

(a) Employment Exchanges.

48. Under the Labour Department Resettlement and Employment scheme 70 Employment Exchanges, consisting of a Central, 9 Regional and 60 Sub-Regional Employment Exchanges had been opened in British India.

49. To make the Employment Service more readily available to employers and applicants in areas remote from Exchanges it has been decided to have a Mobile Section at each Employment Exchange. A motor vehicle is being provided to each Exchange to tour in the outlying areas to contact the demobilised personnel in their villages. So far Mobile Sections of the Nagpur, Hubli, Jalgaon, Poona, Sholapur, Darjeeling and Lucknow Exchanges have started functioning.

50. In the Province of Madras, arrangement has been made to set up 15 District Employment Offices to work as sections of Sub-Regional Exchanges at the headquarters of those districts in which no Exchange exists. 14 such District Offices have so far been opened in the Province.

(b) Employment work in Indian States.

51. 21 Employment Exchanges have been opened in Indian States. In the case of States which havenot opened any Exchange, the Resettle-

ment and Employment Organisation of this Department have assumed the responsibility for the resettlement of ex-servicemen of those States.

(c) Employment Information Bureaux.

52. As the area covered by a Sub-Regional Exchange is large, it has been found necessary to establish Employment Information Bureaux within easy access of demobilised persons. The total number of Employment Information Bureaux so far opened in British India is 189.

(d) Employment Exchange Statistics.

53. Annexure IV gives details of work done by Employment Exchanges during 1946-47.

(e) Central Employment Advisory Committee.

54. The first meeting of the Committee was held on 25th January 1947. The Committee appointed five Sub-Committees to deal respectively with training, employment, Employment Exchanges, training and employment of women and the rehabilitation and training of disabled ex-servicemen.

(f) Occupational Guides.

55. With a view to standardising occupational terms and evolving a common nomenclature the following principal publications showing civil employments against Services trades have been issued:—

- (i) Guide to occupational classification and Registration of Services Applicants for Employment (Services occupations)
R. I. N., I. A. including W. A. C. (I) and R. I. A. F.
- (ii) Guide to occupational classification and Registration of Applicants for Employment (Civil occupations).

(g) Resettlement Advice Service.

56. The total number of ex-services personnel interviewed by Resettlement Advice Officers upto the 22nd February 1947 was 7,84,626 of whom 5,76,694 required employment assistance, 21,630 persons were recommended for occasional training and 66,902 for Technical Training.

57. The task of this Service is nearing completion and the number of officers is being reduced gradually.

It is expected that the major phase of demobilisation will be over by the end of June 1947, when the whole service will be disbanded.

58. Trade-Testing officers have also been posted to such Demobilisation centres from which a large number of technicians are to be released to assist Resettlement Advice Officers in assessing the skill of technicians with a view to determining whether any further training is necessary.

59. Up to the 22nd February 1947 1,57,573 ex-servicemen were interviewed and of whom 66,902 were recommended for Technical Training. 21,224 persons had been selected and posted to Technical Training centres by Regional Directors upto that date.

(h) Directorate of Employment.

60. This Directorate is the nerve centre of the whole Resettlement and Employment Organisation. It will keep its finger on the pulse of all its activities and will concentrate chiefly on the proper exploitation of the employment opportunities which is its primary function.

61. The main function of this Directorate is employment finding. It has to tap all available sources and explore new avenues of employment for demobilised persons to keep abreast of all Schemes of Post-war development at the Centre and in the Provinces.

Man power estimates during the Post-War period.

62. It is estimated that 21,906 persons in skilled and semi-skilled categories will be required for the Central and Provincial Governments Five-year and Interim Plans and 9,913 for private undertakings during the period 1947-48. In addition, many unskilled personnel are required for Public Works in Bengal. The total man power requirement for these works is 29,277,550 Man-days.

Group Employment.

63. The Labour Department have entrusted the Group Employment Directorate with the construction of 450 quarters for coal-miners at Bhuli in Dhanbad.

I PUBLICITY.

64. The following publicity material was issued :

- (i) A "Guide to the Training Schemes sponsored by the Departments of the Government of India ;"
- (ii) "Resettlement News," a monthly illustrated bulletin giving news of the activities of the Directorate-General ;
- (iii) Press Notes on figures relating to placings and training schemes for the training of ex-servicemen, functions of an Employment Exchange, employment of Bevin trainees and the meeting of the Central Employment Advisory Committee ;
- (iv) Poster giving addresses of Employment Exchanges ;
- (v) Illustrated brochure and leaflet on procedure for seeking admission to Vocational Training Centres.

Illustrated articles were issued through the Information and Broadcasting Department for publication in journals and Press agencies in foreign countries and information Agencies in India.

65. A team of Civilian Lecturers was sent to the Middle East, Malaya and Burma on a two month tour to lecture to the Indian troops on Resettlement and Employment. The lecturers before proceeding on tour were briefed on the various resettlement problems and on the employment-opportunities available to ex-Servicemen under the post-war development plans of the Central and Provincial Governments.

Visual Publicity.

66. 19 lantern slides illustrating the work of Employment Exchanges and Technical Training Centres were issued.

67. A film "Short" showing the working of the Sub-Regional Employment Exchange, Poona, was made and released in the Indian News Parade News' reel for exhibition throughout India.

68. 2,000 lantern slides on Employment Exchanges and technical training were prepared.

Broadcasts.

69. During the year under review 266 broadcasts were put out from

different stations of All-India Radio under the Radio Publicity Campaign of this Directorate General.

TRAINING SCHEMES.

(a) Higher Technical Training Scheme.

70. Under this scheme technicians of the higher category are sent abroad for practical training to enable them on their return, to plan, develop and organise the various branches of Indian industry according to its post-war requirements. Candidates are nominated by their employers who bear all the expenditure involved. The Labour Department only arranges to secure the necessary training facilities, etc. The following statement shows the progress made :—

Training in United Kingdom U.S.A.

No. of candidates selected (excluding those who later withdrew) ...	129	46
No. for whom training facilities have been arranged ...	83	35
No. already sent abroad ...	75	22

(b) Training of Labour Officers in U. K.

71. Arrangements have been made with the Ministry of Labour and National Service in the U. K. to provide the necessary training to selected officers of the Central and Provincial Governments and Indian States. So far 3 batches comprising 63 officers have been sent out of which 2 batches comprising 38 have already returned after completing the training.

(c) Bevin Training Scheme.

72. This was a war-time scheme intended for the training of skilled Indian workmen in the United Kingdom in the engineering trades to meet the extreme shortage of such personnel brought about by the enormous expansion of war industry. In all 14 batches comprising 845 trainees have been sent out.

(d) Technical Training Scheme.

73. Training is given in various engineering and building trades at selected Government and private training centres. Provincial Governments and Indian States have agreed to participate in the scheme and all (except the N.W.F.P. Government) have agreed to bear their portion of the cost involved. At the end of February 1947 the number of ex-servicemen who were actually undergoing training was 6,065. The total number of seats sanctioned under the scheme was 11,909.

(e) Vocational Training.

74. This is a counter part of the Technical Training Scheme and training is to be provided in non-engineering trades and occupations at (i) eight training centres under the direct control and management of the Labour Department and (ii) selected Provincial Government/States and Private institutions and establishments. The total number of centres sanctioned so far is 51 with 3,225 seats. Number of trainees posted upto the 8th March 1947 was 3,080.

(f) Training of Disabled.

75. The object of the scheme is to help the resettlement of disabled services personnel in civil life. The first stage in their rehabilitation is completed at the Military Services Convalescent Rehabilitation Centres after

which those who stand in need of training are sent to Labour Department training centres.

76.- The total number of disabled services personnel interviewed by Labour Department Rehabilitation Officers at the Services Convalescent Rehabilitation Centres upto the end of February 1947 was 11,365. Of that number 5,250 persons were recommended for training and 3,604 for direct employment, while 2,505 required no assistance.

77. The position regarding training arrangements in all the training centres opened till the end of February 1947 was as follows :—

	Jalahalli	Aundh	Mad- ras	Delhi	Megh- apura	Bareil- ly	Total
No. of disabled persons that can be admitted	... 520	560	170	250	500	200	2,200
No. of persons under training as on 28.2.47	... 305	204	25	104	114	170	922

78. There was a fall in the number of men under training owing to their temporary transfer to Army Demobilisation Centres for obtaining release from the Army.

(g) Vocational Training of ex-servicewomen.

79 The scheme is intended to facilitate the resettlement in civil life of demobilised services women by training them in useful occupations and thereby enabling them to take up independent careers.

80. It has been decided that the scheme for the vocational training of ex-service women should continue upto the end of March 1948. Thereafter no financial assistance will be rendered to ex-service women. One training centre under the management of the Labour Department will be provided at Delhi. It will impart training in Stenography, Typing, Commercial and Clerical work and in Cutting and Tailoring. Ex-service women who cannot be admitted to this Training Centre or to any of the private or other institutions approved by the Labour Department will be permitted to make their own training arrangements and will be paid the usual training fee, stipend and messing allowance.

(h) Central Institute for Training Instructors for Technical and Vocational Training

81. In accordance with the recommendations of the Advisory Committee on Technical Training regarding scheme for training and apprenticeship of craftsmen for industry a Central Institute for training Instructors for Technical and Vocational trades is being set up. The Institute will for the present provide the training of 200 Instructors at a time. Training will be imparted in 20 trades and there will be 2 types of courses (a) Ordinary Course (b) Refresher Course. The duration of each ordinary course will be 5½ months so that 2 batches of instructors will pass through the Institute every year. The duration of the Refresher Course will be 2 months.

XI. SUMMARY OF THE ACTIVITIES OF RAILWAY BOARD

Housing of Railway Staff

82. The Railway Board appointed a Housing Committee in October 1945 with Rai Bahadur N. K. Mitra as Chairman to report on the general question of the scale of accommodation to be provided for various classes of non-gazetted railway employees, with the following terms of reference:—

- (a) The Accommodation and the amenities to be provided in the quarters designed for the various classes of railway employees.
- (b) The classes of staff to be housed.
- (c) The basis on which rent should be assessed and the financial return expected therefrom.
- (d) The improvements in existing quarters which are below the standard prescribed for new quarters in respect of accommodation, light, sanitation, etc.

The Committee submitted their report in April 1946 and recommended the following standard of accommodation as the minimum to be provided for any category of railway staff:—

- (a) Two living rooms of approximately 120 sq. ft., floor area each.
- (b) A kitchen 7' x 9' 6".
- (c) A bath room 5' x 5' 0".
- (d) A privy.
- (e) A court yard 18' 5" x 17' 5".
- (f) Piped water supply and electric lights wherever possible. ...

83. In view of the very large financial implications involved in the acceptance in toto of the recommendations of the Mitra Committee, the Railway Board decided to modify slightly the specifications for 'A' type quarters intended for inferior staff, without making any radical reduction in the standard of accommodation. The modification has resulted in reducing the cost of each unit to under Rs. 3,500.

84. The number of railway inferior staff and workmen who are at present provided with railway quarters averages about 38.4% of permanent staff and it has been decided, as recommended by the Committee, that all essential staff, who form about 62% of permanent employees should be accommodated in the first stage.

85. In pursuance of the above decisions, the construction of new type quarters, to the improved standard, has already commenced and during the year 1947-48, a sum of approximately Rs. 300 lakhs will be spent by all the Government railways on the housing of their inferior staff and workmen.

Wages

86. The Board are also taking steps to introduce a 'fair wage clause' in respect of labour engaged by contractors in the standard form of engineering contracts in consultation with the Railway Administrations.

XII. SUMMARY OF ACTIVITIES OF THE POST AND TELEGRAPHS DIRECTORATE.

87. This Department had no occasion to initiate action on any important question of labour policy during the period under review. The follow-

ing are, however, some important measures for the improvement of labour conditions tackled in this office:—

(1) *Abolition of the Contractor's piece Work System in Alipore Workshops.*—The old system was to get certain work done through contractors who were paid at flat rates for the finished jobs. This system was found to have given rise to a position in which more money went into the pockets of the middlemen than to workers. This system has been abolished and replaced by another with the elimination of the middlemen, under which each individual worker is engaged by the Department direct on piece work.

(2) *Working hours and compensatory holidays.*—As a result of Labour Legislation (Amendments to Factories Act, 1934), it is proposed to issue orders:—

- (a) that even though the amended Act does not provide for payment of overtime for working less than 48 hours a week, our factory workers would get overtime as hitherto at ordinary rates between the normal duty hours fixed by the Department and the maximum working hours under the Act, and
- (b) that if a worker does not get compensatory holiday within the prescribed period for working on a non-working day, he would be entitled to a day's wages in lieu of the loss of holiday.

SUMMARY OF THE ACTIVITIES OF COMMERCE DEPARTMENTS. BRIEF NOTE ON PROBLEM RELATING TO SEAFARERS DEALT WITH IN 1946-47.

88. *Seattle Conference.*—A Delegation consisting of 5 representatives of Shipowners, 5 of Seafarers and 6 of Government was sent by the Government of India, Department of Labour, to participate in the 28th (Maritime) Session of the International Labour Conference held in Seattle in U.S.A., in June 1946. The following subjects were dealt with at the Conference:—

1. Wages; Hours of work; Manning.
2. Social Insurance for Seafarers.
3. Crew Accommodation on Board Ship.
4. Holidays with Pay for Seafarers.
5. Entry, Training and Promotion for Seafarers.
6. Food and Catering for Seafarers.
7. Recognition of Seafarers' Organisations.
8. Continuous Employment for Seafarers.

The Seattle Conference adopted 9 Conventions, 4 Recommendations and 2 Resolutions (one on Recognition of Seafarers' Organisations and another on Continuous Employment for Seafarers) on the above subjects. Besides these the Conference also adopted several other Resolutions on different maritime labour problems. The various Conventions, etc., adopted at the Conference are being actively examined in the Department of Commerce and in accordance with the constitution of the I.L.O. they will be placed before the Central Legislature as soon as possible but in any case before December 1947 with a view to ratification or rejection.

89. *Maritime Labour Advisory Committee.*—In order to elicit the views of the interests concerned on the various Conventions, etc., and on other maritime labour problems the Commerce Department have set up a

VI. Housing:

Provision of adequate housing for workers to the extent of the resources, both of manpower and materials, that can be made available for this service.

VII. Industrial relations:

- (i) Amendment of the Trade Unions Act providing for compulsory recognition of Unions satisfying certain prescribed conditions and penalising unfair practices.
- (ii) Trade Disputes legislation to provide conciliation, enquiry and adjudication machinery in respect of essential public utility services and important industrial undertakings.
- iii) Appointment of Joint Works Committees to smoothen the day to day difficulties.
- (iv) Organisation of industrial committees on a tripartite basis (that is, consisting of representatives of Government, employers and workers) for important industries, namely, Coal, Cotton Textiles, Jute, Plantations and Engineering to discuss and evolve agreements on questions like, Wages, Conditions of service, etc. With a view to their enforcement either in the form of collective agreements or with legislative authority, where necessary.

B. AGRICULTURAL WORKERS

Steps will be taken to secure for workers in Plantations a living wage, provision of housing, medical relief and welfare services wherever they are inadequate at present. They will also benefit by the proposed Central legislation for the grant of maternity benefit on an extended scale. It is also proposed to set up an enquiry into the earnings of agricultural labourers. Some preparatory work has already been done in this connection. Upon the results of the enquiry will depend the nature and extent of the measures necessary to protect the wages of these classes of workers from sliding below the minimum.

ANNEXURE II TO APPENDIX II

A STATEMENT SHOWING THE NUMBEH OF STRIKES AND THREATS OF STRIKES IN THE CENTRAL UNDERTAKING IN THE YEAR ENDING 20TH MARCH, 1947.

Month	and	year	Strikes & Threatened Strikes	Those which resulted in amicable settlement
April		1946	39	25
May		"	33	23
June		"	18	15
July		"	19	14
August		"	10	9
September		"	26	23
October		"	24	24
November		"	24	22
December		"	33	31
January		1947	41	38
February		"	56	47
1st to 15th March 1947			16	11
Total			339	282

ANNEXURE III TO APPENDIX II

A TABLE SUMMARISING THE STOPPAGES OF WORK IN THE YEAR 1946-47

Month & year		Number of stoppages	Number of stoppages in which wages were the princi- pal cause	Number of workers involved	Mandays lost
April	1946	185	74	3,13,083	13,74,482
May	„	180	76	2,46,381	12,41,703
June	„	157	61	1,69,589	8,72,931
July	„	205	77	2,66,455	11,27,832
August	„	194	89	1,52,227	6,46,627
September	„	120	55	1,19,282	6,88,870
October	„	115	41	1,65,948	7,94,604
November		120	33	1,62,767	17,27,803

ANNEXURE IV TO APPENDIX II

STATEMENT SHOWING THE WORK DONE BY EMPLOYMENT EXCHANGES AND RECRUITING AND EMPLOYMENT OFFICERS EACH MONTH (RECRUITING AND EMPLOYMENT OFFICES IN BRITISH INDIA HAD CEASED TO FUNCTION BY THE 31st MAY, 1946.

	No. of applicants on register at the end of previous month.	Registrations (including re-registration) during the month.	Number placed in employment.	Number found work or registrations lapsed.	No. of applicants requiring employment assistance at the end of month.	No. of vacancies outstanding at the end of month (All personnel).		
						Reserved Railway Vacancies (*)	Other Government Vacancies	All other vacancies
1	2	3	4	5	6	7	8	9
March, 1946.								
41 Employment Exchanges (February, '46)	29,593	18,427	2,990	2,210	42,820	...	28,807	...
Recruiting and Employment Offices (January 1946, 115 Offices).	16,212	12,477	2,100	...	25,047	...	...	...
February 1946 (114 Offices).	24,397	11,884	2,721	...	32,065	...	...	...
April, 1946.								
48 Employment Exchanges	42,820	26,020	3,963	2,615	62,262	...	35,317	...
51 Recruiting and Employment Offices.	20,800	5,899	1,141	2,187	23,371	...	...	...
May, 1946.								
54 E. E. R. E. Offices.	62,262	33,712	4,376	12,969	78,629	...	88,915	...
	15,315	4,395	777	2,196	16,737	...	...	...

ANNEXURE V TO APPENDIX II

**A brief report on labour policy and administration during the year 1946-47
BARODA****1. Legislation.**

The Factories (Amendment) Bill reducing hours of work to 8 per day in non-seasonal factories and 9 per day in seasonal ones was passed into an Act.

2. The Factories (Amendment) Act, (No. II of 1947 was enacted on lines of the Central Factories (Amendment) Act, (No. XIV of 1944).

3. The Emergency Provisions (Continuance) Ordinance, 1947 continuing certain Provisions of the Defence of India Act and the Defence of India Rules as applied to the Baroda State was promulgated.

4. The Factories (Amendment) Bill providing for holidays with pay was introduced in the State Legislative Assembly.

5. The matter of applying the Industrial Employment (Standing Orders) Act, 1946, to the State is in progress.

II. Appointment of an ad hoc Tripartite Labour Committee.

With a view to promoting harmonious relations between employers and workers and to improving the working conditions and increasing production, the Baroda Government held several Conferences with the representatives of employers and workers. As a result of these conferences, they have appointed an *ad hoc* Tripartite Labour Committee to investigate into the matter and submit their recommendations to them. The Committee will consider the following questions:—

1. Introduction of Pass system during working hours;
2. Absenteeism;
3. Leave following days of the pay day;
4. Rationalization;
5. Powers and duties of the Government Labour Officer;
6. Payment to employees after working hours, etc;
7. Labour welfare activities;
8. Appointment of Conciliation Central or Sub-Committees, and their functions, etc;
9. Standing orders; and
10. Such other items of interest to either party and to industry in general.

It has been also decided that during the period of the existence of the Committee, all disputes relating to Labour should be referred to this committee and neither party should resort to strike or lockout.

III. Labour Welfare Activities.

The Baroda Government keenly feel the neglect on the part of industrialists towards the question of welfare activities. With a view to remedying this state of affairs, they have referred this matter to the *ad hoc* Tripartite Labour Committee.

IV. Major disputes.

1. In one of the mills in Navsari, there was some discontent amongst the workers against one of the jobbers. The situation was taken advantage of by outside workers but it was immediately controlled by Government.

2. In one of the mills in Sidhpur there was a labour trouble and there had been a strike in the mill for a long period. The matter was, however, settled by Government and cordial relations between the workers and the management had been re-established.

3. In one of the mills in Baroda there was a dispute regarding the reduction in the number of doffers due to change over from coarse to finer counts which was resolved by the Tripartite Labour Committee.

4. The Textile Labour Association, Petlad, has given a notice of strike, demanding increase in the rates of wages paid at present.

5. There was a dispute regarding working doubles in one of the mills at Kalol, which was amicably settled due to the conciliatory efforts of the Government Labour Officer.

6. Strikes occurred in two mills in Petlad in connection with the management of the canteens.

V. Trade Union.

One New Trade union, namely, the Gaekwar's Baroda State Railway-men's Union, Baroda, was registered under the Baroda Trade Union Act, 1938 raising the total number of registered trade unions in the State to 7.

Two applications for registration of Trade Unions are under consideration.

ANNEXURE VI TO APPENDIX II
REPORT ON LABOUR POLICY AND ADMINISTRATION
DURING 1946-47

BENGAL

Policy.

Important features of the present labour policy of this Government are stated below:—

1. Greater emphasis is now given to methods of conciliation by all conceivable means. In pursuance of this policy the Hon'ble Labour Minister personally contacts the parties in many important industrial disputes where internal settlement fails and he considers it necessary to guide the activities of the Labour Directorate. Disputes in the Raja Shoe Company, Limited, and the Dhakeswari Cotton Mills, for instance, were amicably settled through his intervention and in certain disputes such as those in the Iron and Steel Works at Burnpur, Imperial Bank of India and Durbar Cotton Mills, he persuaded the workers to resume work after reference of the disputes to adjudication.

2. The tendency on the part of workers of certain mills to resort to intimidation has been deprecated by the Hon'ble Minister in Conferences. The obstinacy of certain unions in opposing reference to adjudication has also been a serious obstacle in the solution of industrial disputes. This attitude on the part of the workers' union in the dispute concerning the Calcutta Tramway Company has been the principal cause of dead lock in the work of this concern. Government do not like to countenance such unconstitutional methods.

3. A tripartite Labour Advisory Board will be set up shortly with different Committees for different industries. A Sub-Committee has been appointed to frame its constitution and functions. The main function of the Board and the Committees will be to advise Government on the various problems affecting industrial relations.

4. As it is considered very necessary to initiate steps for improving condition of labour in important industries, two Boards of Conciliation will be shortly appointed to enquire into conditions of work in Cotton Textile and Jute Industries.

5. Owing to present inflationary conditions and high cost of construction, Government have not so far undertaken any scheme of housing for industrial workers. They help industries in acquisition of land for housing of labour and in procuring building materials. A Location of Industries Office has been set up recently to help industry in locating sites for factories and for housing schemes. In the Kancharapara Development Scheme undertaken by Government, a certain area has been set apart for housing of labour.

Administration.

The rate of minimum wages recommended has been about Rs. 20/- per month and recently after careful investigation the Directorate recommended an increased minimum basic wage of about Rs. 28 per month. Although the employers generally felt reluctant to accept it yet there has been a definite change in their outlook and it appears likely that a substantial increase in the minimum basic wage will be acceptable. Similar increased dearness allowance has been recommended and accepted by the employers.

Efforts are now being made to correlate the dearness allowance with the cost of living index. The Statistical section of this Directorate prepare, monthly, a cost of living index which is made available to employers and other parties interested in the same. An attempt is being made, industry-wise, to standardise wages and conditions of employment. A start is being made with Cotton, Jute and Engineering industries.

Industrial Employment Standing Orders Act came into force in 1946. Uptil March, 1947, 132 Standing Orders had been submitted for certification and has been certified. Most of these Standing Orders refer to factories which are not members of any Employers' Association.

Figures of strikers and disputes are given below:—

1946

Disputes. Industries.	No. of Strikes.	Men in- volved.	Results			
			S.	P.	U.	I.
Cotton ...	39	66,786	2	7	20	10
Jute ...	79	2,76,037	5	7	55	12
Engineering ...	70	58,247	12	12	32	14
Transport ...	...	...	...	...	...	...
Docks ...	...	...	...	...	...	...
Mines ...	5	5,220	...	...	5	...
Railways ...	...	...	...	...	...	...
Miscellaneous ...	200	92,438	33	34	81	52
Total ...	393	4,95,728	52	60	193	89

S=Successful; P=Partially Successful; U=Unsuccessful; I=Indefinite.

Other Disputes.

Industry	Individual.				General				Total.
	D.	W.	S.	M.	D.	W.	S.	M.	
Jute ...	93	207	...	11	20	82	113	36	562
Cotton ...	11	2	...	...	2	3	39	10	67
Other Textiles ...	7	4	...	...	5	23	187	1	230
Engineering ...	64	21	...	7	40	22	119	38	314
Elec. Supply Cos ...	6	1	...	...	5	4	14	2	32
Municipality ...	2	1	...	1	...	3	29	2	38
Transport ...	25	6	...	1	13	15	64	11	138
Tea ...	...	2	...	3	1	1	26	5	38
Printing ...	4	...	...	...	3	30	250	3	290
Miscellaneous ...	97	74	...	25	68	52	203	50	574
Total ...	309	321	...	51	157	235	1049	161	2283

D=Discharge, Dismissal, etc. W=Wages, Dearness Allowance, Bonus, etc.
S=Conditions of Service. M=Miscellaneous.

Compared with the previous years the number has increased. A disquieting feature of the strikes is that a large number of them, actually 327 out of 380 have been commenced illegally, i.e., without notice.

In some cases the strikes have been continued although the disputes concerned were referred for adjudication or conciliation. Reports have also been received of acts of violence committed by workmen on persons in charge of management, as a means of having their grievances redressed. Similar complaints from workers and their organisations were received against managers and supervisory staff taking recourse to violence on any grievance being ventilated. These methods of settling disputes have been condemned and the Hon'ble Minister on many occasions personally advised representatives of both employers and employees to desist from such practice. The new Industrial Disputes Act introduces the principles of compulsory arbitration to provide for peaceful means of settlement of disputes and it is hoped that in coming years both employers and employees will realise this and act accordingly.

The Trade Union Movement among workmen appear to be growing. In 1946, 283 new Unions were registered. This increase has been due to the members of the services and employees in the Mercantile firms forming their Unions and registering them under the Trade Unions Act. Recently it has been possible to arrange for inspections of Trade Union Offices.

The Statistical Section of the Labour Directorate has undertaken a working class Family Budget Enquiry among the tea workers of Darjeeling, Jalpaiguri and Chittagong. During 1946, some *ad hoc* enquiries were undertaken by this section, viz., enquiry into wages and conditions of employment of scavengers.

'Ad Hoc' Enquiries

1. Scavengers' Enquiry.
2. Wages and Conditions of service of Menials and Subordinate staff employed in Municipalities.
3. Kidderpore Working Class Housing Enquiry.
4. Wages and Conditions of Employment in un-registered factories 1945-46.
5. Wages and Conditions of Employment of Menials and Subordinate staff Hospitals in Calcutta.
6. Wages and Conditions of service of Menials and Darwnas in Commercial Firms (selected).

The regular work of this Section consist of the following:—

1. Price Collection in 30 Working Class Centres involving Scrutiny of 1,560 returns.
2. Maintenance of Retail Price Indices for 6 centres.
3. Maintenance of 4 Cost of Living Index figures.
4. Strike Statistics.
5. Un-employment statistics.
6. Employment and Earnings of workers in Industrial Concerns.
7. Maintenance of records of Wages and Conditions of employment in all factories in Bengal.

This Directorate has experienced considerable amount of difficulty in the Collection of Industrial Statistics due to non-publication of rules to be framed under the Industrial Statistics Act.

The administration of the Bengal Shops and Establishments Act 1940 has entered into the 7th year but for all practical purposes it remained under suspension during the war years, i.e., up to 1945. In 1946 steps have been taken to bring the Act under normal operation by providing for increased staff. This has however been hampered to some extent owing to the disturbed conditions in Calcutta. A decision has been arrived at to extend its operation to five other District Headquarters besides Calcutta and Howrah where the Act is already in force.

In 1946-47, 42 Labour Welfare Centres were functioning under the Labour Directorate; two of which have been wound up as being unnecessary. Particular attention is being focussed upon the improvement of the Labour Welfare Centres to make them popular. As sufficient fund is not available a policy of effecting improvement to 5 Centres every year has been adopted. Under a scheme submitted to Government it is proposed to convert some of the Labour Welfare Centres as Model Centres with good accommodation and ground for gymnasium and games. Efforts are also being made to house the centres in better accommodation.

In pursuance of the Government policy for the expansion and improvement of canteens this Directorate is exerting the Labour Officers to get new canteen opened and the old ones improved.

ANNEXURE VII TO APPENDIX II

A BRIEF REPORT ON LABOUR POLICY AND ADMINISTRATION DURING THE YEAR 1946-47

BIHAR

The two outstanding features of the labour movement in this province during the year 1946-47 were the formation of a large number of trade unions and the emergence of a large number of trade disputes. Since the cessation of the war and the advent of the popular Government at the centre and in the provinces a large number of trade unions have been set up under the aegis of the different political parties, in important industrial undertakings, Municipalities, District Boards, etc. These unions formulated sets of demands and grievances on behalf of workers of the particular undertakings and placed them before the employers concerned for their fulfilment. In the majority of cases the demands were followed up by threats of strikes. In some cases the statutory notice of strike was given, but in others workers resorted to strikes without notice. As soon as the demands framed by workers were brought to the notice of the officers of the Labour Department, immediate steps were taken to bring the representatives of the workers and their employers together at a joint meeting to discuss the demands with a view to bring about a settlement. In a few cases however, the employers refused to have a joint discussion with the Union on the ground that the Union had not been recognised by the Management. Those disputes in which Conciliation failed were referred for adjudication under rule 81A of the Defence of India Rules as modified and continued in force by Ordinance No. XX of 1946. Some of the disputes in which the parties agreed to have the disputes referred to Boards of Arbitration were so referred. Difficulties were sometimes experienced in enforcing the decision of the Board when any party was not willing to accept the award when it went against it. So far 21/- trade disputes have been referred for adjudication and 7 adjudicators have been employed to deal with them. Adjudicators are generally retired District and Sessions Judges. Unfortunately the points raised in a trade dispute which were referred for adjudication did not mainly turn on technical interpretation of law points but raised questions of equity, industrial practice and public policy. It was not possible always to find adjudicators who had the necessary qualifications and the awards given have not been always very satisfactory. Sometimes progress of conciliation was retarded due to several labour unions functioning in the same undertaking. Some employers started rival labour unions under their immediate patronage. Different political parties have tried to establish different unions in the same firm and each party has been trying to gain ascendancy over the others which results in aggravating labour unrest and constant strikes. Employers (specially the small employers) are still fighting shy of trade unionism and are not above victimising their employees who take prominent part in union activities. 55 trade unions were registered as trade unions under the Trade Unions Act, 1929 during the year under review, compared to a total of 52 registered trade unions existing at the close of the year 1945-46.

One of the labour problems in Bihar is to get rid of the mushroom union which is not really representative and which is often only intended to further the selfish ends of one or two persons who have no real interest in the welfare of the labour purport to represent. There should be only one good and really representative union for each factory. In Bihar there is hardly a trade union which claims membership from more than one factory.

It is hoped that the introduction of legislation at present contemplated by the Government of India will do something towards the establishment of sound and responsible unions by enforcing stricter control of union activities which in the interest of both the industry and the workers is as necessary as the control of employers. The Government of Bihar have drawn up a set of model rules for the guidance of trade unions applying for registration.

There has been an unprecedented wave of labour and industrial unrest in the province and the Government of Bihar were compelled in public interest to utilise the powers delegated to them by the Government of India under clause (a) of sub-rule (i) of rule 81A of the Defence of India Rules as modified and continued in force by section 2 of the Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance No. XX of 1946). Workers of several factories threatening to strike work were prohibited from doing so pending settlement of the dispute by negotiation or such further action as may be necessary to this end. Such of the disputes which could not be settled by negotiation were referred for adjudication. The Government of Bihar further delegated those powers to the District Magistrates in respect of public utility services as defined in sub-clauses (iii) and (iv) of clause (g) of section 2 of the Trade Disputes Act, 1929. The District Magistrates utilised those powers where necessary. In some cases workers went on strike in defiance of the prohibitory orders issued by the District Magistrates. The power of prohibition of strikes has since ceased with the lapsing of the Emergency Provisions (Continuance) Ordinance, 1946, which continued in force under Defence of India Rules 81A.

Increase in wage and dearness allowance and payment of bonus and gratuity were the principal demands in all the disputes. As the prices of foodstuffs and other commodities of daily use are still following an upward trend, reasonable increases in wage and dearness allowance have been allowed by the employers and the Adjudicators. Most of the important firms have granted bonus varying from one month to four months' wages.

Workers in most industrial undertakings have been insisting on employers supplying food grains and cloth at controlled rates and in sufficient quantities for themselves and their family members. Employers have been usually willing to do so provided they got the supplies from Government.

The government of Bihar concurred with the Government of U. P. in the appointment of a Joint Committee consisting of representatives of factory owners, labour and Government to enquire into and report on wage and dearness allowance and bonus for labour employed in sugar mills. The recommendations of the Committee on all matters except on payment of off season allowance were accepted and enforced by the two Governments in consultation with the Government of India.

The Government of Bihar have strengthened their conciliation machinery to cope with the increased work. The present machinery consists of :

Commissioner of Labour and Employment	1
Deputy Commissioner of Labour	1
Assistant Commissioner of Labour	2
Labour Officers	2

The short-term and long-term housing scheme for industrial labour in Bihar has been taken up by a Special Officer attached to the office of the Commissioner of Labour.

The Bihar Labour Enquiry Committee made a number of recommendations in 1940 for improving the health, efficiency, working conditions and the standard of living of industrial workers. Some of these recommendations have been given effect to; but some could not be implemented due to one reason or the other. An Officer under the Commissioner of Labour has been specially intrusted with the examination of these recommendations with a view to their implementation. Some of the recommendations are under the consideration of Government.

Rules framed under the Industrial Employment (Standing Orders) Act, 1946, are under the consideration of Government.

ANNEXURE VIII TO APPENDIX II

A BRIEF REPORT ON LABOUR POLICY AND ADMINISTRATION DURING THE YEAR 1946-47.

1. The Provincial Government made a provision of Rs. 1½ Lakhs for the year 1946-47 for housing industrial workers in their Development Budget for the year 1946-47.

2. The Labour Commissioner, Central Provinces and Berar prepared a Labour Welfare Scheme which is at present under consideration of the Provincial Government. The main features of the scheme are establishment of welfare centres at several places in the province, facilities for indoor and outdoor games for labourers to be provided through them, provision of child and maternity welfare centres, circulating libraries, reading rooms, moving cinema vans and radio programmes.

3. A Textile Enquiry Committee was appointed in August 1946 under the chairmanship of Mr. Justice W. R. Puranik to look into the question of increase in wages, dearness allowance etc., paid to the textile workers in the province. The terms of reference of the Committee also include in their scope hours of work, bonus and other conditions of service. Consequent on the resignation of Mr. Justice Puranik, Mr. Justice Mangalmurti, I.C.S., was appointed Chairman. The work of the Committee is in progress.

4. During the year 1946-47 twenty disputes were settled by direct negotiations—7 in textiles, 3 in mines and 10 miscellaneous. Ten disputes were referred for adjudication under the Defence of India Rules. Of these the adjudication proceedings have been completed in three cases while seven cases are still pending. Rule 81-A of the Defence of India Rules read with Ordinance No. XX of 1946 has now ceased to be operative since 25th March 1947. These pending disputes will therefore have to be dealt with under the Industrial Disputes Act, 1947 which came into force only the other day or under the C. P. and Berar Industrial Disputes Settlement Bill which has been passed by the Provincial Legislature, but has still to receive the Governor's assent.

5. A Bill known as the C. P. and Berar Shops and Establishments Bill, 1946 to regulate the holidays, payment of wages for overtime, etc., for persons employed in shops, commercial establishments, restaurants, etc., has passed through Select Committee stage in the Provincial Assembly.

6. The Payment of Wages Act was extended to the Coal Mines in the province recently.

7. The Provincial Government are engaged in framing rules and Model Standing Orders under the Industrial Employment (Standing Orders) Act, 1946.

8. During the year 1946-47 fifty-five new unions were registered under the Indian Trade Unions Act, 1926. The classification by groups was as follows :—

Railways (including Transport)	...	5
Textile	...	8
Printing	...	2
Municipal	...	11
Engineering	...	9
Miscellaneous	..	20
		—
Total	...	55

ANNEXURE IX TO APPENDIX II

REPORT ON LABOUR POLICY AND ADMINISTRATION DURING THE YEAR 1946-47.

GWALIOR

1. *LABOUR LEGISLATION.*

The following Acts and Rules were passed and enforced :

1. Industrial Disputes Act.
2. Trade Unions Act.
3. Industrial Disputes Rules.
4. Trade Unions Rules.
5. Maternity Benefit Rules.
6. Employment of Children Rules.

2. The Durbar have been pleased to appoint two Committees to enquire into the problems of standardisation and fixation of minimum living wage in the textile industry and construction of houses for the industrial workers.

3. The Senior Labour Officer, Gwalior who was nominated by Durbar as State Candidate to receive training in Labour Administration in United Kingdom under the scheme 'Training of Labour Officer in United Kingdom' sponsored by the Government of India in the Department of Labour proceeded to United Kingdom on 1st February 1946 and returned on 19th February 1947 after finishing training in United Kingdom and also after a study of labour problems in United States of America for a couple of months.

4. Another candidate viz., Mr. N. R. Jatar was also nominated to receive the above training in United Kingdom.

5. With the reduction of working hours in British India, the State Government also amended the existing provisions of the Factories Act reducing hours of work from 54 to 48 per week.

6. The Durbar have been pleased to establish two Employment Exchanges at Gwalior and Ujjain on the lines prescribed by the Government of India to give facilities for employment to the ex-servicemen.

7. The State on the whole is taking a progressive view for labour in all its spheres of activities.

ANNEXURE X TO APPENDIX II

A BRIEF REPORT ON THE LABOUR POLICY AND ADMINISTRATION DURING THE YEAR 1946-47.

MADRAS

Labour Policy

Soon after the Congress Ministry assumed office in May 1946 several industrial disputes arose in the Province, as a result of which, there were frequent strikes and lock-outs all over the Province. The Ministry received several memorials and even threats of direct action. The workers in their haste to secure redress of their long-standing grievances, had no proper advice and guidance from their leaders who were more importunate in their demands than the rank and file of the workers. The Government were not given sufficient time to mould the machinery of the Government not only to suit their policy but also to meet the situation created by the general labour unrest. The Government, however, lost no time in taking proper steps to meet the situation. The Minister for Industries and Labour issued the following statement on the 1st May 1946 setting forth in clear terms the policy of the Government in dealing with industrial disputes.

"It is the intention of the Madras Government to pass legislation regarding labour conditions at an early stage and appoint, if necessary, a permanent machinery, such as industrial courts, to ensure industrial peace. The attempt of this Government will be to co-ordinate the policy at the Centre and in the Provinces, and to secure labour legislation on a uniform basis as far as it is practicable.

"The Government will take up the threads and follow the policy laid down by the first Congress Government as early as October 22, 1937. The Industrial workers must realise they are citizens and also workers. They should have their rights and privileges both as citizens and as workers. They should feel this Government is their own Government and cooperate with others in helping it to run smoothly. Freedom of association, the Government wishes to make it clear, is assured to workers and their organizations. They expect the employers of this Province to be ready and willing to give recognition to every bona fide Trade Union organisation as a matter of course. It is also likely that the Government may define by legislation in this behalf the conditions under which such recognition will be granted.

"They believe that internal settlement of disputes as between workers and employers is preferable to external settlement imposed by circumstances. Employers must realise that they and their workers are their partners in industry and should avoid all acts that would provoke a sense of humiliation and frustration on the part of the workers. The Employers must improve living conditions, advance wage-standards and secure contentment to the workers which will, in its turn, enhance efficiency resulting in greater production and profit to the industry.

"While it is not the intention of the Government to curtail in any manner the rights of workers and their right to direct action the Government feels it incumbent on them to declare that all available methods of representation should be exhausted before resorting to it."

"Government will therefore be glad if those concerned cooperate with them and see they are not called upon to intercede in strikes declared be-

more exhausting all avenues of negotiation between the employer and the employed. It is the intention of the Government to pass legislation at an early stage implementing these views and appoint, if necessary, a permanent machinery, such as industrial courts, to ensure industrial peace.

‘It must, however, be remembered that labour is not only provincial but All-India, if not International. The attempts of this Government will be to coordinate the policy at the centre and in the Provinces and to secure Labour Legislation on a uniform basis as far as it is practicable.’

‘The Government, therefore, trust that those who have the welfare of industries and labour at heart will see that this, their declared policy is implemented.’

LABOUR ADMINISTRATION.

As there were frequent disputes between the workers and the managements of textile mills in the Province, the Government appointed a Court of Inquiry to examine the conditions of labour in the textile mills. They appointed another Court of Inquiry to investigate and report on conditions of labour in the beedi, cigar, snuff, tobacco during establishments and tanneries in this Province. The final reports of these two courts of Inquiry are expected to be published soon. As there was delay in the completion of the inquiry regarding textile labour, the workers were clamouring for grant of immediate relief pending the result of the Court of Inquiry. The Government referred the question of interim relief for textile workers for adjudication under the Defence of India Rules. The Adjudicator's award which gave substantial interim wage increases to textile workers, was accepted by Government. As the beedi and cigar workers in the West Coast and the tannery workers in West Godavari District resorted to strikes demanding similar interim relief the Government have referred the question of interim relief for these workers also for adjudication under the Defence of India Rules.

There was serious unrest in the Province due to the intense and wide spread activities of trade unions under the influence of Communists and some extremist labour leaders. The main demands of the workers were for increase of wages, dearness allowance, bonus, leave facilities, gratuity, provident fund, etc. With a view to compel the employer to concede their demands, the labour unions resorted to threats of strikes and lightening strikes without making any attempts to get their grievances redressed by negotiation or conciliation. In several cases, the workers misled by inexperienced labour leaders and political agitators resorted to strikes without justification even after the Conciliation Officers had done their best for the workers. In some cases; the strikes had to be settled by ordering adjudication of such disputes.

In view of the frequent disputes and strikes arising in different parts of the Province during the last few months, the Government have appointed Courts of Inquiry to examine conditions of labour in the following industries:—

1. Motor Transport Services and Motor Transport Workshops.
2. Engineering Firms and Type Foundries.
3. Rice and Oil Mills.

The Government also propose to appoint a Court of Inquiry to examine all conditions of labour in the timber and saw mills in the West Coast where conditions of employment are not quite satisfactory.

The Government have appointed an Adjudicator to examine the question of interim relief to motor transport workers pending the result of the Court of Enquiry.

With a view to extend the benefits of the Factories Act, 1934, to the industrial establishments not covered by the existing Factories Act, the Government have published a Non-Power Factories Bill which will be introduced shortly in the Madras Legislative Assembly.

The Government have also published a Shops and Establishments Bill to regulate the conditions of labour in shops and commercial establishments, restaurants, theatres, and other places of public resort. This bill will also be introduced in the Madras Legislative Assembly.

The Government have extended the provisions of the Payment of Wages Act, 1936, to tramways, motor omnibus services and plantations.

The Government have also under consideration a proposal to appoint two special Labour Welfare Officers to look after the welfare of plantation labour and four Labour Conciliation Officer in addition to the existing seven Labour Conciliation Officers in the Districts and the Assistant Commissioner of Labour and the Commissioner of Labour at Madras.

The Commissioner of Labour and the Joint Secretary to the Government of Madras, Development Department visited Bombay in November, 1946 to study the labour set-up there. The proposals of the Commissioner of Labour for the reorganisation of the Labour Department in the Madras Province are now under the consideration of Government.

The Government have passed an Act called the Madras Maintenance of Public Order Act, 1947, to provide for preventive detention, imposition of collective fines, control of meetings and processions, control of essential services and certain other purposes. This Act received the assent of His Excellency the Governor-General on 11th March 1947.

ANNEXURE XI TO APPENDIX II

A BRIEF REPORT ON LABOUR MATTERS DURING THE YEAR ENDING THE 31st MARCH, 1947

ORISSA

The Province of Orissa is industrially undeveloped and the labour problems in this Province have not assumed any great importance. There are only a few organised labour associations in this province.

2. The average number of workers employed in 1945 in factories was 7427 (5963 males+1464 females) and in mines was 1087 (748 males+339 females).

3. There were only 7 trade unions before the 31st March 1946 and about 19 more organisations came into existence during the General Elections to the Provincial Legislative Assembly in April 1946. Some more unions sought registration during the year.

4. The Indian Trade Unions Act, 1926 does not now apply to some P. E. Areas of the Province and steps were taken to extend it to those areas.

5. Labour disputes were not very common in Orissa in the past, and the few cases of labour strikes which took place from time to time were successfully tackled through adjudication or conciliation by officers of Government. As a result of communist propaganda there were constant labour troubles in some larger factories, e.g., the Orient Paper Mills in Sambalpur district and the Shree Durga Glass Works in Cuttack District during the year.

6. Some Central labour laws, e.g., the Weekly Holidays Act, 1942 have not yet been brought into force in this Province. There were however demands from the public for the enforcement of the Weekly Holidays Act, 1942 and the Government are considering this question.

7. The Chief Inspector of Factories, Orissa was appointed to be the *ex-officio* Certifying Officer under the Industrial Employment (Standing Orders) Act, 1946 and rules under this Act are being framed.

8. The question whether the workers of the Government Printing Press should be exempted from the operation of the provisions of Chapter IVA of the Factories Act as inserted by the Factories (Amendment) Act, 1945 (Act III of 1945) regarding holidays with pay had for some time been engaging the attention of the Government and it was decided that the exemption need not be granted. A similar question regarding the exemption of the workers of the Government Printing Press from the operation of section 34 of the Factories Act, 1934 came up for consideration of the Provincial Government but no final decision in the matter has yet been taken.

At the request of the Indian Sugar Mills Association the sugar factories lying in this Province were granted exemption from the operation of section 34 of the Factories Act; but the Government declined to accede to the request of the Association to exempt the factories from the operation of section 47 of the Act.

9. With a view to provide maternity benefit for female workers employed in factories the Provincial Government were contemplating the

introduction of a Bill on the lines of the Madras Maternity Benefit Act—which now applies only to some parts of the Province. But in view of clause 40 of the Workmen's State Insurance Bill which is now before the Central Legislative Assembly the proposed Bill has not yet been introduced.

10. There is a post-war scheme of "Welfare measure for factory and industrial labour" under the consideration of the Provincial Government. This scheme contemplates taking measures regarding "education recreation, health, housing, co-operative associations, etc." for industrial labourers and Government took up settling the details for its operation.

ANNEXURE XII TO APPENDIX II

A BRIEF REPORT ON LABOUR POLICY AND ADMINISTRATION DURING THE YEAR 1946-47

PUNJAB

The main problems engaging the attention of this Department have been:—

1. Labour unrest.
2. Organisation of workers on trade union lines.
3. Enforcement of the Industrial Employment (Standing Orders) Act 1946.
4. Enforcement of the Industrial Disputes, Act, 1947.
5. The creation of labour organisation in the Punjab.

1. Labour Unrest.

Relations between employers and employees particularly in the textile industry have been far from satisfactory during the year under report. This was largely due to a joint operation of politico-economic factors such as curtailment of industrial activities due to cessation of hostilities, continuance of controls and wooing of workers by rival political parties. The corner-stone of labour policy was, therefore, the maintenance of industrial peace which was difficult enough. This task was rendered all the more difficult due to the absence of any comprehensive legislation. The provisions of Rule 81-A were sparingly used to avoid labour unrest on a provincial scale. The main brunt of enforcing the existing labour legislation fell on the Factory Inspection Department. In order, therefore to enforce labour laws more effectively the Government are considering the creation of a separate labour Organisation.

2. Organisation of workers on trade union lines.

A record number of trade unions were registered during the year under review and a large number of unions applied to the Registrar of Trade Unions for the grant of free-audit concession in respect of their accounts. On the one hand increase in the number of trade unions showed that the workers were thinking more and more on trade union lines and on the other it indicated a split in a number of well established unions and new unions were organised under the auspices of various political parties. Healthy trade unionism can only develop if it is not made subservient to political issues; this unfortunately has not been the case during the recent months.

3. Enforcement of the Industrial Employment (Standing Orders) Act, 1946.

The Chief Inspector of Factories has been appointed Certifying Officer with the Director of Industries as the Appellate Authority.

4. Enforcement of the Industrial Disputes Act, 1947.

The Act came into force in April last. Further action is being taken. With the full enforcement of the Act, it is proposed to ask for the withdrawal of Rule 81-A.

5. The creation of a labour organisation in the Punjab.

As pointed out in sub-paragraph 1, the proposal is still under the active consideration of Government. The organisation when created will be responsible for the—

1. Prevention of industrial disputes and conciliation thereof.
2. Orgnaisation, superintendence, direction and control of labour Welfare Work.
3. Enforcemnt of labour legislation.
4. Creation of tripartite committee in respect of various industries conferences, etc.

ANNEXURE XIII TO APPENDIX II

BRIEF REPORTS ON LABOUR POLICY AND ADMINISTRATION
DURING THE YEAR 1946-47

SIND

1. The Labour Officer is concerned with the administration of the following Acts:—

- (1) Indian Trade Unions Act, 1926.
- (2) Sind Shops and Establishments Act, 1940.
- (3) Trade Disputes Act, 1929.
- (4) Industrial Statistics Act, 1942.
- (5) Industrial Employment (Standing Orders) Act, 1946.

This office is also concerned with the collection of data on various subjects such as, dearness allowance, provident fund schemes, food grain shops, canteens, gratuity schemes, etc.

2. The Commissioner of Labour who is the head of the Labour Office holds the following appointments:—

- (1) Commissioner of Labour, Sind.
- (2) Registrar of Trade Unions, Sind.
- (3) Conciliation Officer for Sind.
- (4) Secretary, Advisory Board for Labour.
- (5) Chief Inspector of Shops, Sind.
- (6) Statistics Authority, Sind.
- (7) Certifying Officer for Sind.

3. The policy of the Labour Office has been to encourage Trade Unions to stand on their own feet; to support the Trade Union movement and to help it to grow in the Province (during the year 1496-47, 40 additional Trade Unions have been registered bringing the total to 86). In the case of employers, this office gives sound practical advice on labour matters; the employers are encouraged to deal with the Unions of their employees as far as possible. Both sides to the industry are made to realise that the burden of maintaining peace is on their shoulders. It is only when they cannot agree to settle their disputes, that the Labour Office intervenes with the limited object of bringing them together to see each other's point of view, so it may be possible for them to come to mutual understanding. The Labour Office is the architect of the Sind Industrial Relations Bill, which, in brief, epitomizes the policy followed by this office for the last few years in regard to industrial relations.

4. It is the determined objective of this office to see that every Act, for the administration of which it is made responsible, is enforced satisfactorily, and that workmen receive the fullest benefit. In the case of the Sind Shops and Establishments Act, 1940, it was noticed that while the progress with regard to the extension of the application of the Act to several Municipal towns was satisfactory, the same could not be said with regard to its enforcement. In order, therefore, to impress upon the local Authorities concerned with the administration of this Act, the absolute necessity of paying proper attention to the enforcement of the Act, their representatives were invited to a Conference in Karachi where the working

of the Act was thoroughly reviewed. In this Conference, apart from other important matters, the following suggestions were made by this office with a view to putting the working of the Act on sound basis.

- (1) Conducting a Census of all establishments covered by the Act.
- (2) Maintaining a Card Index showing the names and other particulars of establishments covered by the Act, classified by groups, e.g., shops, commercial establishments, restaurants, etc.
- (3) Making it obligatory on the employer in charge of any establishment to inform the inspecting organisation when the establishment is newly opened and also when any changes occur in the data originally supplied to the Inspectorate.
- (4) Display of a signed notice in every establishment, showing the name of the Inspector and the address of his Office.
- (5) Framing of a scale of staff requirements, showing the number of establishments which could be safely entrusted to the care of one Inspector.
- (6) Training of inspecting staff.
- (7) Maintaining on a permanent basis a record of Inspections and diary.
- (8) Creating the post of Assistant Chief Inspector of Shops.
- (9) Amending section 31 of the Sind Shops and Establishments Act, 1940, and Rule 15 of the Sind Shops and Establishments Rules, 1941.
- (10) Framing of model bye-laws to cover important items of procedure, etc.

5. The administration of the Workmen's Compensation Act, is in the hands of the *Ex-Officio* Commissioners in Sind. They are the Sub-Judges in the District towns. It has been noticed that this arrangement does not yield satisfactory results in all cases in as much as serious delays occur in the disposal of workmen's compensation matters and that with the well known defects in the Act itself, the administration is not what might be desired. On several occasions, therefore, the following matters have been brought to the notice of the Hon'ble the Chief Court in Sind:—

(1) Instances of delays. The Hon'ble the Chief Court has on more than one occasion, intervened and directed the lower Courts to give priority to this work over all but the most urgent civil work.

(2) The poorer workmen are unable to engage legal assistance and therefore it was suggested to the Hon'ble the Chief Court that an enquiry might be made from the various Bar Associations whether any members of these Associations would volunteer to appear on behalf of such poor workmen, as cannot pay their fees, free of charge. It is very gratifying to find that at least in the case of 2 Bar Associations some junior lawyers have agreed to render this service on a voluntary basis.

6. It is the policy of this office to encourage Labour Welfare Measures in every possible way. The employers are given the fullest particulars about such measures in force elsewhere, and they are encouraged to apply funds for the setting up of welfare arrangements for the benefit of their employees. Government itself has in its schedule the setting up of 8 Labour Recreation Centres in Karachi and elsewhere. These Centres are to be run by the Local Authorities with the Provincial Government

contributing half of the expenditure. This office has deep interest in the problems of workmen, for instance, Housing. The Committee for Greater Karachi set up a sub-committee on Housing and the Labour Office is represented on that Committee, so that it may be able to present its point of view and influence the findings of this expert committee. The Labour Office is also represented on the Regional Employment Advisory Committee so that not only may there be co-ordination between the various Government agencies but that Labour Office may be able to lend its useful knowledge on the subject for furthering progress.

7. Active co-operation with the Organisations of workmen and employers at the Provincial level and with the Government of India, in connection with its various conferences, has been the key note of our policy. Sind has participated almost from the beginning in all the conferences convened by the Centre and it may be added that the participation is not passive and on a number of occasions, suggestions have been made for the agenda of the various Conferences. Sind has also participated in the Centre's scheme for the compilation of Retail price and Cost of Living Index Numbers for working classes and at the moment the Labour Office is collecting prices and other material for the Director, Labour Bureau, Simla. It is hoped that shortly the Provincial Labour Office will take on the compilation of the Cost of Living Index Number for the working classes in Karachi.

8. The recent Industrial Employment (Standing Orders) Act, 1946, has provided one more opportunity for the Labour Office to be able to encourage healthy relations between workpeople and management by securing the framing of Standing Orders in the case of such establishments as are covered by the Act. Sind proposes to adapt the same rules as framed by the Central Government with such modifications as may be necessary. In this connection, it is proposed to set up an Inspecting Organisation under the Act in order to ensure that the Standing Orders will be practiced and adequately enforced. It is also proposed to provide, at some later date, that there might be Standing Orders on two additional subjects, viz., the maintenance of Employee Service Cards and the issue of Wage Slips. It may be pointed out that for satisfactory industrial relations and personnel management, the maintenance of an Employee Service Card is an indispensable minimum. For this purpose, it is proposed to consult the Provincial Advisory Board for Labour which is constituted with the object of advising Government on labour matters including labour welfare.

ANNEXURE XIV TO APPENDIX II

A BRIEF REPORT ON LABOUR POLICY AND ADMINISTRATION DURING 1946-47

TRAVANCORE

1. LABOUR POLICY

The policy of industrialization of the country steadily pursued by the Government for the last several years has brought in its wake the problem of organized industrial labour. Till two years ago, there was a part-time Labour Commissioner and a small Factory Inspectorate for administering the Labour Laws then in existence. But in 1946, a separate Labour Department with a Labour Commissioner, two Assistant Labour Commissioners, a Factory Inspectorate and a considerable Welfare Staff, has been organized to attend to the various problems arising from the existence of a large working class population. The policy of the Department aims at securing for the workers, a progressive improvement in their working conditions, efficiency, wages and other amenities, which, on the whole, is calculated to raise their standard of living. It has always been the endeavour of this Department to foster and maintain mutual understanding and harmonious relations between workmen and their employers.

2. SETTLEMENT OF INDUSTRIAL DISPUTES

During 1946-47 Travancore was not exempt from the general labour unrest prevailing generally in India and elsewhere. There were twenty labour strikes in the year ended August 16, 1946. Of these disputes, all but three were amicably settled through the intervention of the Department. But in the case of the three which could not be settled by agreements, the disputes were referred to adjudication by three District Judges, and they are pending before the Adjudicators.

The Labour Commissioner and the Assistant Labour Commissioner carry on the functions of Conciliation Officers in trade disputes.

3. COMMUNIST ACTIVITIES AMONG WORKERS

There are 95 Trade Unions registered under the Travancore Trade Unions Act, in the State. Labour in the various industries were well organized under these Unions during the year under review. Unfortunately, the Communist influence became very active among them and, some of the Unions came under the direct control of Communist. Inspired by Communist ideals, they started a violent programme of subversive activities. The Government had, therefore, to adopt suitable measures to suppress this violent movement. Some Unions sponsored by Communists have accordingly been declared unlawful.

4. JOINT NEGOTIATING MACHINERY

Industrial Relations Committees had already been working into the coir mats and matting industry during the war period. These Committees were set up on the model of the British Joint Negotiating machinery known there as 'Joint Industrial Councils'.

In cases where the subversive activities of Trade Unions have resulted in their closure for the time being, the Department has introduced an alternative machinery in the form of Factory Committees. These Committees are set up on the basis of one Committee for every factory by means of free election by the workers in the factory. These factory committees are recognised by the managements as accredited representative bodies of the workers. The Factory Committees deal with questions affecting individual factories and their workers alone. Industrial Relations Committees have also been set up for the various industries to deal with questions affecting each industry as a whole, the labour side of the committee being elected by all members of the various Factory Committees in the same industry. The Factory Committees and the Industrial Relations Committees thus set up are working satisfactorily in solving industrial disputes that crop up from time to time between the workers and the managements. The scheme is being extended to cover all major industries in the State, including Planting Estates.

5. WELFARE WORK

A Welfare staff consisting of 6 Labour Inspectors, three Labour Welfare Officers, twelve Labour Welfare Supervisors and ninety Labour Welfare Workers have been organized under the Labour Department to carry on welfare work among industrial workers. They are concentrating their attention on the promotion of such amenities as Canteens, Crèches, Rest Rooms, etc. Through these Welfare Officers, all employers engaging more than 250 workers are being persuaded to establish Canteens for their workers. Generally speaking, the employers are readily responding to the intervention of the Welfare Staff. A number of industrial canteens have already been set up which provide in addition to tea and snacks, mid-day meals at concession rates.

6. LABOUR LAWS IN FORCE

1. The Travancore Trade Unions Act,
2. The Travancore Factories Act,
3. The Travancore Trade Disputes Act,
4. The Travancore Workmen's Compensation Act,
5. The Travancore Payment of Wages Act,
6. The Travancore Maternity Benefit Act,
7. The Travancore Mines and Minerals Act, and
8. The Travancore Industrial Statistics Act.

Of the above Acts, the first seven are in force in the State. The last mentioned Act, the Travancore Industrial Statistics Act, though already passed into law, has not yet been brought into force. Steps are being taken to implement it. The Travancore Mines and Minerals Act is administered by the State Director of Geology. All the other Acts, mentioned above are administered by the Labour Department. It may be mentioned that all these Acts are on the same lines as the British Indian Acts.

7. PROPOSED LEGISLATION.

- (a) The following Bills have been introduced in the Legislature:—
- (i) **THE TRAVANCORE TRADE BOARDS BILL.** This Bill is framed on the model of the British Trade Boards Acts of 1909 and 1918.
 - (ii) **THE TRAVANCORE FACTORIES (AMENDMENT) BILL,** provided for reduction of hours of work and holidays pay.
- (b) The introduction of the following Bills is under the consideration of Government :—
- (i) A Bill to amend the Trade Unions Act for compulsory recognition of registered Trade Unions under prescribed conditions.
 - (ii) The Industrial Establishment Bill for the framing of Standing Orders by employers.
 - (iii) The Industrial Relations Bill on the lines of the Bill already introduced in the Central Assembly in repeal of the Trade Disputes Act.

8. FACTORY INSPECTION

The Factory Inspectorate of the Labour Department is primarily responsible for the administration of the Factories Act, the Payment of Wages Act and the Maternity Benefit Act. There are at present 620 Factories in the State which are governed by the Factories Act. The Factory Inspectorate consists of the Chief Inspector of Factories, three Divisional Inspectors of Factories, one Lady Inspector of Factories and one Medical Inspector of Factories. The Lady Inspector is to work in co-operation with the Divisional Inspectors for the enforcement of certain sections of the Factories Act, relating to women workers and their welfare and also the provisions of the Maternity Benefit Act. The Lady Inspector is expected to give necessary advice regarding the proper working of creches in factories. The Medical Inspector is to work in co-operation with the Divisional Inspectors for the enforcement of certain provisions of the Factories Act, relating to health and Sanitary conditions in factories.

During the year, the total number of employment injuries was 505. Of these, five accidents were fatal, serious types and 444 of minor character.

During the year, occupiers of seven factories were prosecuted for infringements of the provision of the Factories Act. Seventy-eight cases of evasion of payment of Maternity Benefit were detected and necessary action taken for payment of the benefits to the workers.

With a view to improve the welfare and working conditions of a large number of workers employed in cashewnut factories, Government have by a notification, required the owners of all cashewnut factories in the State numbering about sixty, to construct and provide creches and rest-rooms in their factories.

A Committee constituted by Government has framed a set of 'Hazardous Occupation Rules' for Cashewnut Factories, for safeguarding the health of workers employed in these factories and for providing additional protection to them while employed in dangerous operations. It is expected that these Rules will come into force shortly.

9. TRIPARTITE LABOUR CONFERENCE.

A Tripartite Labour Conference consisting of representatives of Labour, Employers and the Government was held on the 7th and 8th October, 1946. All the important outstanding labour questions were discussed at the Conference. General agreements have been reached at this Conference on the following questions:—

- Annual Bonus,
- Holidays with pay,
- Reduction of hours of work,
- Fixing minimum basic wages in organized industries,
- Amendments to existing Labour Laws,
- Labour Welfare Work,
- Recognition of Trade Unions,
- Establishment of Industrial Relations Committees,
- Framing Standing Orders by employers, and
- Inquiry into conditions of plantation labour.

ANNEXURE XV TO APPENDIX II

A BRIEF REPORT ON LABOUR POLICY AND ADMINISTRATION
DURING THE YEAR 1946-47.

UNITED PROVINCES

(1) *Industrial Disputes*: With the close of the war and advent of the popular ministry in the province, the labour unrest accentuated by the gap in the cost of living and the rates of wages, and the general policy of retrenchment adopted by the mills, etc., came to the forefront and resulted in the spread of industrial disputes all over the province, particularly in industrial towns. To meet this Labour situation, the Provincial Government made a free use of rule 81A, Defence of India Rule as extended by the Emergency Provisions (Continuance) Ordinance, 1940 and appointed four Conciliation Officers. They also set up a number of Adjudication Boards under Rule 81A, of the Defence of India Rules. These measures have kept the number of industrial disputes within manageable limits. It was, however, felt that the situation demanded more elaborate legislation that was available under the Defence of India Rules. Under Trade Disputes Act, 1929, the findings of the Boards of Conciliation or the Courts of Enquiry could not be made binding on the parties. Similarly there was no legislation in the province to enforce the orders passed in conciliation proceedings. Still it is creditable that in most of the conciliation cases, the decision has been accepted both by the employers and workers.

(2) *Legislation*: This Government has introduced in the Provincial Legislature a Shops and Commercial Establishments Bill to regulate the conditions of work and service in commercial establishments, hotels, restaurants, etc. This Bill has been considered by the Select Committee and it will come up before the Assembly in the near future. This will give for workers in shops and commercial establishments and the clerical staff of the factories much needed relief in the matter of security of service, leave, working hours, etc. This Government has framed rules under the Industrial Employment (Standing Orders) Act, 1946; the published for objection and criticism the draft Model Standing Orders under that Act.

A Provincial Trade Disputes Bill was introduced in the Assembly in August last to take the place of Rule 81A, Defence of India Rule, but it was withdrawn as a permanent industrial Disputes Act has been passed by the Central Legislature.

There have been demands for the enactment of a Provincial Industrial Disputes Act similar to the Act passed by the Bombay Government. The Bombay Act is no doubt the result of long experience and careful study in the Labour field. But it is somewhat unnecessarily complicated. The Bombay Act is under examination with a view to introducing a Provincial Bill to supply the deficiencies in the Central Industrial Disputes Act while at the same time ensuring a comparatively simple legislation which will provide a speedy machinery for the settlement of industrial disputes. The Provincial Government is also considering appointment of an Industrial Court with five judges and there is a scheme for training persons in Bombay in legal work connected with labour.

The Provincial Government has set up a Standing Labour Committee, which will consider labour problems and legislation, etc., from time to time. The first meeting of this Committee was held in January last and such of the conclusions as were arrived at under the consideration of Government.

The most frequent subjects of trade disputes are recognition of Trade Unions, increase in wages, etc. The existing Trade Unions Act does not provide for a compulsory recognition of Trade Unions. For such recognition of trade unions, the Adjudicators of trade disputes have generally hesitated to give a clear finding or lead in the matter, holding that it was unwise to accept the demand unless the point was accepted on an All-India scale. The Indian Trade Unions (Amendment) Bill of the Central Assembly which provides for such recognition of trade unions is pending before the Central Assembly.

There is a Central Bill for providing minimum wages.

The Provincial Government has always maintained the view that all major legislation should be Central, specially in labour matters. Moreover the Central legislation has deficiencies or does not go far enough, Provincial legislation will be undertaken.

(3) *Labour conditions in general*: As regard workers' demands for increased emoluments, the demands for increased dearness allowance and bonus was generally accepted by the Conciliation and Adjudication Boards. For a thorough consideration of these questions Government has appointed a number of committees, such as Bakhale Labour Committee, Bhatia Sugar Inquiry Committee and Press Committees. The Bakhale Committee has set up several sub-Committees to inquire into individual industries, and to submit an interim report on urgent questions, such as wages, dearness allowance, bonus, etc. The Sugar Factories Labour Wages Inquiry Committee has given its findings recommending an increase of wages, especially for unskilled workers. The Provincial Government is also considering to institute an inquiry into the conditions of workers and services, etc., in unregulated factories.

The Provincial Government further proposes to work out a scheme of setting up Wage Boards for different industries and a five-year plan of legislation and administration services with a view to improve the general conditions and standard of the working class and their wage earning capacity.

Another question which was considered by the Provincial Government was the attitude which the Employment Exchanges were to adopt during lock-outs and strikes. The matter was considered by the first U.P. Standing Labour Committee and the Government of India was informed that in the opinion of the Provincial Government the Greek practice was preferable.

(4) *Welfare Work*: For Labour Welfare work, Government is considering :

(i) the setting up of broad based central organisation on the top for initiating co-ordinating the general policy, and small committees of workers to carry out that policy;

(ii) co-ordination of labour welfare work and activities carried on by different agencies, such as employers, local and private bodies and Government;

(iii) introduction of new activities such as adult schools, etc., for industrial workers in labour welfare centres;

(iv) opening of canteens for industrial workers;

(v) organising labour welfare work in seasonal factories through the Labour Welfare Centre;

- (vi) training of Labour Officers abroad in labour matters; and
- (vii) training of Factory Inspectors.

All these schemes are at present at an experimental stage.

(5) *Miscellaneous*: The question of providing house accommodation to industrial workers has also been engaging the attention of the Provincial Government. To draw out a proper plan of building suitable houses for industrial workers, at reasonable rent, Government requisitioned the services of an American expert, Mr. Albert Mayor.

The Provincial Government has also been considering the question of collecting statistics under the Industrial Statistics Act as the employers have not been prompt in submitting their statistics. The matter has been referred to the Government of India.

APPENDIX III

NOTE OF ACTION TAKEN ON THE REPORTS OF THE LABOUR INVESTIGATION COMMITTEE

1. The Indian Labour Conference at its meeting in September 1943, passed the following resolution:—

“This Tripartite Conference recommends that, with a view to providing adequate materials on which to plan a policy of social security for labour, the Central Government in cooperation with the Governments of Provinces in British India, Indian States and the Chamber of Princes, should immediately set up a machinery to investigate questions of wages and earnings, employment and housing and social conditions generally, and that as soon as possible after receipt of the required statistics and other data, the Central Government should appoint a mixed Committee to formulate plans of social security.”

2. In pursuance of this resolution, Government of India appointed early in 1944 a Committee consisting of Mr. D. V. Rege as Chairman, Dr. Mukhtar and Messrs. Deshpande and Adarkar as members with the following terms of reference:—

- (a) to collect data relating *inter alia* to wages and earnings employment, housing and social conditions of labour and in particular of industrial labour in India, and
- (b) to investigate and report *inter alia* on the following matters:—
 - (i) the risks which bring about insecurity;
 - (ii) the needs of labour by various classes to meet such risks;
 - (iii) the methods most suitable for meeting such risks; and
 - (iv) housing and factory conditions.

3. The Committee's investigations covered the following industries and occupations:—

- A. *Mining*. (1) Coal (2) Manganese (3) Gold (4) Mica (5) Iron Ore (6) Salt.
- B. *Plantations*. (7) Tea (8) Coffee (9) Rubber.
- C. *Factory industry*. (10) Cotton (11) Jute (12) Silk (13) Woollen (14) Oil (15) Dockyard (16) Engineering (17) Cement (18) Matches (19) Paper (20) Carpet weaving (21) Coir matting Manufacture (22) Potteries (23) Printing Presses (24) Glass (25) Chemical and Pharmaceutical works (26) Shellac (27) Bidi making, cigar and cigarettes (28) Mica Splitting (29) Sugar (30) Cotton Ginning and Baling (31) Rice Mills.
- D. *Transport*. (32) Transport Services (Tramways and Buses) (33) Non-Gazetted Railway Staff.
- E. *Other types of Labour*. (34) Port Labour (35) Municipal Labour (36) Central P. W. D. (37) Rickshaw Pullers.

4. The Committee has submitted 34 reports dealing with individual industries and occupations and a main report dealing with labour conditions

in a general way. Those reports which contain a mass of valuable factual data on labour conditions have been published.

The main conclusions of the Committee are:—

- (i) The basic wage level in most industries (as distinguished for total earnings, which include cost of living allowances and the supply of foodstuffs at concessional prices—devices adopted to neutralise the increased cost of living brought about by war conditions are extremely low and particularly so in the jute and plantation industries.
- (ii) Wages and occupations have not been standardised except in the Cotton Textile Industry at Ahmedabad and Indore.
- (iii) Except again in Ahmedabad, dearness allowances have not been on a scale sufficient to compensate the workers fully against the rise in the cost of living brought about by war conditions, and consequently there has been a lowering in their standard of living. The scale of dearness allowances varies from industry to industry and from centre to centre.
- (iv) Consequent on the low level of wages, workers can save very little to meet expenses inevitable on occasion of sickness, marriages, death, etc., and they have consequently to run into debt.
- (v) Workers in organised industries, barring exceptions like the Cotton Textiles, Engineering, have no security of employment and one of the first things Government should tackle is the system of recruitment, promotions, discharge, dismissal and ventilations of grievances.
- (vi) Working conditions are generally bad. There are no arrangements for the workers to sit, even where they need not stand or be continuously standing for doing their work; no shelters where workers could eat their meals, arrangements for drinking water are primitive; little attention is paid to cleanliness or the convenience of the operatives; the urinals and latrines provided for the use of workers are not kept clean. The standard of factory inspection varies considerably from Provinces and is low in most provinces.
- (vii) While by a recent amendment of the Factories Act workers in factories are now allowed leave with pay for ten days a year, workers in Plantations, Mining and Road Transport Industries do not have any statutory right to any leave with pay.
- (viii) There is no provision for medical treatment during sickness or when the worker sustains an employment injury or contracts an occupational disease. They have also to face a total loss of earnings during such periods of sickness as they have to absent themselves from work. No provision has been made for their old age. While Workmen's Compensation Act is generally observed by the bigger employers there is a tendency on the part of the smaller employers to exploit the ignorance of the workers and escape their full liability. Maternity Benefit has been provided for in most of the provinces, but the Acts are not properly enforced.

- (ix) Conditions in unorganised industries like Shellac, Mica Splitting, Coir Matting, Glass Bangles making, Carpet making, Bidi making are definitely worse. The work places are generally ill-ventilated, ill-lighted, congested and positively dirty. Workers have to work for long hours. Child labour is freely employed in defiance of legislation and conditions are on the whole 'sweated.'
- (x) Housing conditions in most industrial areas are deplorable.

5. While the Labour Investigation Committee was still engaged in its work, an attempt was made by the Government of India to secure the services of Sir William Beveridge to make an enquiry and report upon social security measures for industrial labour, but he was unable to accept the invitation.

6. The question whether a Planning Committee should be appointed as originally intended, to review the reports submitted by the Labour Investigation Committee and suggests plans for social security was again taken up for consideration in 1946. At this point it may be useful to clarify one or two points. The term 'social security' is very wide and is intended to provide all the benefits of which the individual may stand in dire need from womb to tomb. It includes

- (a) Maternity benefits,
- (b) Children's allowances,
- (c) Sickness benefits,
- (d) Unemployment benefits,
- (e) Compensation for employment injuries,
- (f) Old age pensions,
- (g) Burial or cremation expenses.

As will be seen from the conclusions of the Labour Investigation Committee summarised in paragraph 4 above, before we can hope to introduce a comprehensive scheme of social security as recommended by Sir William Beveridge in his report to the British Government we must first concentrate on various other measures for the betterment of the Indian worker industrial as well as agricultural.

Moreover such schemes of special security which involve a substantial contribution by the State in logic and equity cover all classes of the population. It should be noted that in the U. K. Sir William did not recommend the introduction of new benefits, except those relating to children's allowances. The British worker was in receipt of all other social security benefits, but the system had been developed piecemeal and there was a wide diversity in finance, administration and scope. The main task entrusted to Sir William was to suggest how the various services should be co-ordinated into an organic whole, with an efficient and economical system of administration.

7. The task in India is different. Our problem is to devise measures which will bring about a substantial improvement in the conditions under which the Indian workers has to work and live. It is only after this task has been attempted that the question of introducing comprehensive schemes of social security covering as it should, the entire population can be tackled.

If a Planning Committee were appointed, it would take some months to formulate its recommendations. Its recommendations would then have to be considered in consultation with Provincial Governments and the other Departments of the Central Government. Government felt that this procedure would only result in the postponement of action. As there is already a general consensus of opinion in regard to the measures urgently called for, Government felt that the tempo of reform could be quickened, if they themselves formulated a programme of action and submitted it for the consideration of Provincial and State Governments and representative organisations of employers and workers. Accordingly a 5 year programme was drawn up and was submitted for the consideration of Provincial and States Ministers and to a special meeting of representatives of employers and workers. Although, there were, as was to be expected, some differences of opinion in regard to the relative urgency of individual measures or the pace of reform, the proposals on the whole were well received and the general consensus of opinion was that Government should proceed to implement the proposals as rapidly as possible and that they would bring about a distinct and substantial improvement in the working and living conditions of workers. In pursuance of this, Government have brought forward and will be bringing forward various measures.

8. Legislative and administrative measures which have already been initiated are set out below:—

1. The Factories Act is being revised and the Legislative Department is now engaged in preparing a revised Bill. It is expected that the Bill will be ready for introduction in another month or two.

2. The Factories Act has already been amended authorising Provincial Governments to make rules for the provision of canteens in factories employing 250 persons or more.

3. Provincial Governments have taken and are taking action to strengthen the factory inspection services.

4. The Central Government have initiated a scheme of training courses for the benefit of Factory Inspectors and the first course lasting for 5½ weeks was completed on 30 March 1947.

5. The Mines Act will be amended to bring the hours of work in mines in line with hours of work in factories and to take such power as may be necessary to prescribe and enforce safe and healthy conditions of work.

6. Arrangements are being made to expand considerably the mines inspection services so as to secure an adequate enforcement of regulative provisions in the Mines Act.

7. Legislation is being promoted to replace the Coal Mines Welfare Fund Ordinance and to levy in addition to the welfare cess, cesses for the provision of—

(a) dispensary services for the benefit of colliery workers to an adequate standard, and

(b) financing the interest and maintenance charges in respect of the housing scheme for colliery workers.

8. A plan has been drawn up to build 50,000 houses for colliery workers in the course of next 5 years.

9. Government have under consideration the question of instituting suitable training schemes for training workers in the use of mechanical and electrical appliances which will be increasingly brought into use in the coalfields.

10. It is proposed to set up an Industrial Committee on coal-mining on a tripartite basis for the consideration of all problems relating to colliery workers.

11. A Bill is under preparation on the lines generally of the British Act-Dock Labourers Act-to provide for regulating their conditions of work with a view to securing stability of employment, decent working conditions and minimum rates of pay.

12. A tripartite Conference has been organised for considering the problems affecting plantation labour. Certain minimum increases in wage rates, sickness and maternity benefits have been agreed to by employers. A Family Budget Enquiry is being conducted in the tea gardens with a view to ascertaining the average earnings and requirements of workers and on the basis of this report a Conference will be held to discuss and settle wage rates for plantation workers. Government also intend to promote shortly a Plantation Act to regulate conditions of work and prescribe standards in respect of medical, housing and other connected services.

13. The Workmen's State Insurance Bill has been introduced in the Assembly and is awaiting consideration.

14. Minimum Wages Bill which lays an obligation on Provincial Governments to prescribe and enforce minimum wages in a number of unorganised industries and occupations within a specified period is also before the Legislative Assembly.

15. Legislation has been promoted for the settlement of industrial disputes.

16. Legislation providing for the recognition of trade unions and the prescription of fair practices is before the Legislature.

17. Considerable progress has been done in regard to the standardisation of occupational terms in engineering industries and this work will be extended to other industries as well, so as to serve as a basis for standardisation of wages.

18. Seventy Employment Exchanges have been organised. Employment Exchanges in two Provinces serve other than ex-service or ex-war workers. The future of the Employment Exchanges is being examined in consultation with Provincial Governments.

19. A number of training schemes have been instituted with a view to training workers in the engineering industries.

20. Provincial Governments have, under consideration, schemes for the provision of housing for industrial workers.

21. Consultations have been initiated with Provincial Governments in regard to the institution of an enquiry into the conditions of agricultural workers with a view to ascertaining their earnings and standards of living.

22. A special branch is being set up to study problems relating to unemployment insurance and old age pensions.

APPENDIX IV (a)

REPLIES OF THE GOVERNMENT OF INDIA TO THE I.L.O.
QUESTIONNAIRE ON LABOUR INSPECTION IN
INDUSTRIAL AND COMMERCIAL
UNDERTAKINGS

New Delhi, the 28th December, 1946.

No. I.C. 34(10).

From

V. Narayanan, Esquire,
Deputy Secretary to the Government of India.

To

The Director General,
International Labour Office, Montreal.

Subject. Questionnaire on the Organisation of Labour Inspection in industrial and commercial undertakings.

Sir,

I am directed to enclose herewith the reply of the Government of India to the questionnaire mentioned above, and to express regret for the delay in despatching it.

2. I am to explain that in answering the questions, a distinction has been drawn between points which can form the subject matter of a Convention or a Recommendation and questions which should, at least in the countries of Asia and the less advanced regions of the world, form only the subject of Resolutions setting out certain standards towards which member countries should strive.

Under the I.L.O. Constitution, the only difference between a Convention and a Recommendation is, while in the case of the former, the exact terms must be strictly adhered to, a certain amount of latitude is given in implementing the objectives set out in a Recommendation but in both cases, member countries are bound to submit the Convention or Recommendation "to the authority or authorities within whose competence the matter lies for the enactment of legislation or other action." In both cases again, member countries should report to the I.L.O., at prescribed intervals, what action has been taken to ratify the Conventions or implement the Recommendations. The Government of India, therefore, consider only such subjects, as can be given effect to by appropriate legislative or administrative measure and can be *enforced*, should form the subject matter of either a Convention or a Recommendation. The education of employers and workers in matters covered by labour legislation and industrial hygiene or the stimulation of a healthy interest in workers to secure the enforcement of provisions designed to secure their health and safety can only be set out as desirable objectives to be striven for, and not as measures which can, either in the form formulated or with slight modifications, be applied and enforced by state action. It may be possible, for example, for a national law to lay down that there should be committees in every factory and that the Inspector, in the course of his inspection, should contact that committee, but the extent to which such committees will

function purposefully depends upon the interest felt by the members of the Committee or by their constituents in the enforcement of the law. This interest can be stimulated only as a result of wide spread education and the realisation by workers that all labour legislation is designed for their good and that it is to their interest that such legislation should be strictly enforced. Similarly, it is impossible to implement effectively a Recommendation in regard to the education of employers and workers in matters covered by labour legislation and industrial hygiene. Lectures and wireless talks can be organised and explanatory pamphlets can be distributed, but these services will serve their purpose only if there is a demand for them or at least a lively appreciation of their usefulness. In other words, what is required is the promotion of a healthy public opinion on matters affecting labour welfare, and the preparation of an effective ground work for the promotion of such public opinion, namely, the adoption of a system of universal education. Till these essential pre-requisites are secured, no institution or administrative measure, however well designed, is likely to take root and show signs of healthy development. In the conditions obtaining in the countries of Asia at present, these pre-requisites do not exist. Government of India, therefore, suggest that points covered by questions 40—44, 48 and 49 should not form the subject matter of a Recommendation and that they should be left to be dealt with by Resolutions, studies of law and practice in different countries and periodical discussions of ways and means for promoting these objectives. In suggesting this course, I am to explain, that the Government of India should not be understood as in any under-rating the importance of these objectives. They only wish to emphasize that an effort to institutionalise them much in advance of public opinion is not likely to be effective and that consequently efforts should, at the moment, be directed towards popularising these ideas and creating the conditions necessary for their effective implementation.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. V. Narayanan,

Deputy Secretary to the Government of India.

INTERNATIONAL LABOUR CONFERENCE, 30TH SESSION,
GENEVA, 1947.

The Organisation of Labour Inspection in Industrial and Commercial Undertakings.

Fourth Item on Agenda.

Suggested replies.

QUESTIONNAIRE

I. Desirability of International Regulations and their Form.

1. Do you consider that it would be desirable to adopt international regulations on the organisation of labour inspection in industrial and commercial undertakings in the form of one or more Conventions and one or more Recommendations? Yes.

2. If your reply to question 1 is in the affirmative, do you consider that the Conference should adopt:—

(a) a single Convention covering both industry and commerce? No.

or

(b) two separate Conventions for industry and commerce respectively? Yes.

or

(c) a Convention for industry and a Recommendation for commerce? Yes.

3. (a) Do you consider that the Conference should, in addition, adopt a Recommendation on particular points?

(b) If so, do you agree that the points to be dealt with by means of a Recommendation should be the points covered by questions 23—25, 29, 30, 40—45, 48, 49 and 62? ,

Points covered by questions 23 to 25, 29, 30, 45 and 62 may form the subject of a recommendation. Points covered by Questions 40-44, 48 and 49 will not be suitable for a Recommendation. They may form the subject matter of resolutions, periodical studies by the I.L.O., etc. For a more detailed statement of the reasons, please see covering letter.

II. Scope of the International Regulations.

4. Do you consider that the proposed international regulations should be applicable only to such industrial and commercial undertakings as are, under the national law, covered by a system of labour inspection? Must be.

III. Object of Labour Inspection.

5. (a) Do you consider that it should be specified that the object of labour inspection, for the purposes of the proposed international regulations, is to secure the enforcement of legally binding provisions relating to the conditions of work and the protection of the workers while engaged in their work, and, where necessary, to supply technical information and advice to the employers and workers concerning the most effective means of complying with such provisions?

Yes. The object of inspection should also be to bring to notice any defects or abuses not specifically covered by the existing regulations.

(b) If you do not consider the above definition of the object of labour inspection satisfactory, what other definition would you propose?

Satisfactory. Nothing further to suggest.

6. (a) Do you consider it desirable to insert in the text of the international regulations a purely illustrative list of subjects appropriately covered by the term "conditions of work and protection of the workers while engaged in their work?"

Yes:

(b) If so, do you consider that the following subjects should be included in such an illustrative list:—

- (i) Hours of work and rest?
- (ii) Weekly rest days, public holidays and other holidays?
- (iii) Night work?
- (iv) Prohibition of the employment of certain persons on dangerous, unhealthy or physically unsuitable work?
- (v) Protection of women and juvenile workers?
- (vi) Health and safety?
- (vii) Protection of wages?
- (viii) Regulation of wage rates?
- (ix) Workers' rights in case of dismissal?

Items (i) to (vi) may be cited in the illustrative list. (vii), (viii) and (ix) relate to rights the enforcement of which must be left to authorities prescribed by national legislation conferring these rights. The content of item (vii) is not clear. Labour Inspection Services will not be concerned with the 'regulation' (meaning prescription) but only with the enforcement of rates prescribed by the competent authority.

(c) Do you propose that any other subjects should be included in such an illustrative list? If so, which?

No suggestion.

IV. Organisation of Inspection Services.

7. (a) Do you consider that the international regulations should lay down that each inspection service should be placed under the direct and exclusive control of a central authority (it being understood that in a federal country the term "central authority" may be interpreted as meaning either the federal authority or the authority of any of the federated units)?

Yes, but the central authority should be in a position to delegate its powers in respect of any particular items to the local bodies.

(b) Do you consider that the international regulations should allow for exceptions to this general principle?

No.

(c) If so, what exceptions would you propose?

8. Do you consider that the international regulations should require the association in the work of inspection, for the purposes of enforcing the provisions concerning health and safety, and according to the methods deemed most desirable or appropriate by the national authorities, of duly qualified technical experts and specialists in—

Yes.

(a) medicine?

(b) engineering?

(c) electricity? and

(d) chemistry?

9. Do you consider that, with a view to preventing overlapping and ensuring uniformity in the activities of all the bodies concerned, the international regulations should provide that Members should take appropriate measures to regulate the co-operation of the inspection services with other Government services, or with public or private institutions engaging in similar inspection work?

Consider that this can only be done by voluntary co-operation.

10. Do you consider that the international regulations should lay down that labour inspectors should not be required to meet out of their own pockets any travelling expenses necessitated by their duties?

Yes.

11. Do you consider that the international regulations should lay down that each local inspection service should be provided with an office fitted up in accordance with the requirements of the service and open to those concerned at all reasonable hours?

Yes.

V. Inspecting Staff.

12. Do you consider that the international regulations should provide that the labour inspectors should be recruited solely in the light of their qualifications for the tasks to be entrusted to them? Yes.

13. If so, do you consider that it should be laid down that the means of ascertaining these qualifications shall be determined by the national regulations? Yes.

14. Do you consider that it should be laid down in the international regulations that the labour inspectors should be given all the requisite guarantees for preserving their independence and impartiality as against any external influences? Yes.

15. If so, do you consider that it should be further specified that such guarantees should be provided—

- (a) preferably, by giving labour inspectors the benefit of civil service regulations, Yes.

or

- (b) in countries where labour inspectors do not enjoy the benefit of civil service regulations, by laying down that an inspector, after establishment in the service, may not be dismissed except on one of certain specified grounds? Yes. (The words "discharged or" should be inserted after the word "be" in line 5.)

16. If your answer to question 15 is in the affirmative, do you consider that the grounds for dismissal might be specified as follows:—

- (a) Age limit?
- (b) Expiry of contract of engagement?
- (c) Duty proved incompetence?
- (d) Grave dereliction of duty?
- (e) Conduct incompatible with the inspector's duties?
- (f) Invalidity?
- (g) Suppression of post in consequence of reorganisation of the service?

or

- (h) Reduction in the number of posts?

- (a), (b), (c), (f), (g) and (h) are grounds for "discharge" of service and not "dismissal."

It is however unnecessary to specify the various reasons for discharge or dismissal if the inspectors enjoy the benefit of civil service regulations in which case they will of course be covered by the regulation in force.

Please state, in particular, which, if any, of these grounds you would propose to delete and what grounds, if any, you would propose to add.

Add to the list of grounds for dismissal or discharge. Insubordination.

17. Do you consider that the international regulations should lay down that the inspection staff must include women inspectors?

Yes. Where considerable women labour is employed. This should however be left to the discretion of the appointing authorities. "May" therefore should be substituted for "must" in line three.

VI. Powers of Inspectors.

A. SUPERVISORY POWERS

18. Do you consider that the international regulations should lay down that labour inspectors provided with proper credentials should, by a specific provision of the national law, be given the right:—

- (a) freely to enter establishments and workplaces? and Most essential.
- (b) freely to inspect establishments and workplaces?

RIGHT OF FREE ENTRY INTO ESTABLISHMENTS AND WORKPLACES

19. Do you consider that the inspectors' right of free entry into establishments and workplaces should include—

- (a) right (of labour inspectors) to enter freely and without previous notice at any hour of the day or night any establishments or workplaces liable to inspection where they have reasonable grounds to presume that persons enjoying legal protection are working? and Yes.
- (b) right (of labour inspectors) to enter by day any establishments or workplaces which they have reasonable grounds to presume to be liable to inspection? Yes. (by day or night).

20. Do you consider that the right of free entry in the sense of question 19 is compatible with a possible obligation for the inspector to inform the employer or the employer's representative of his presence in the establishment or workplace?

There is nothing incompatible in the inspector informing the management of his presence as soon as convenient after entry. This should be left to his discretion,

21. If so, do you consider that the international regulations should lay down that the inspector should not be obliged to inform the employer or the employer's representative of his presence in any case where he considers that such notification may be prejudicial to the proper performance of his inspection duties?

Unnecessary to put in the Regulations.

RIGHT FREELY TO INSPECT ESTABLISHMENTS AND WORKPLACES

22. Do you consider that the right freely to inspect establishments and workplaces should include, in particular, the following powers:—

- (a) To interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the relevant legislation? Yes.
- (b) To require the production of any books, registers or other documents, the keeping of which is prescribed by the laws relating to conditions of work, to see that they are in conformity with the statutory provisions, to copy them or to make extracts from them? Yes.
- (c) To enforce the posting of statutory notices? Yes.
- (d) To take or remove for purposes of analysis samples of materials and substances used or handled in the undertaking? Yes.
- (e) In general, to carry out any examination, test or enquiry that the inspector may consider necessary in order to satisfy himself that the provisions of labour legislation are being strictly observed? Yes. (Insert the words "or to call for any books, registers or other documents" after the word "enquiry" in line two).

B. PREVENTIVE DUTIES OF LABOUR INSPECTION SERVICES IN RESPECT OF HEALTH AND SAFETY

Permits for New Plants, etc.

23. Do you consider that it should be laid down in a Recommendation that, in principle, the labour inspection services should share in the work of checking in advance the plans

Yes, but should also include the checking in advance plans for alternations and additions in plants or pro-

for new establishments, new plant and the employment of new processes of production? processes in existing establishments.

24. If so, do you consider that provisions should be made in a Recommendation for—

- (a) (subject to the right of appeal provided in national legislation) making it compulsory for plans for new establishments, new plant and the utilisation of new processes of production to be submitted to the labour inspection service for approval, and making the execution and such plan conditional upon the carrying out of the alterations ordered by the labour inspection service so as to secure the health and safety of the workers? No.

or

- (b) making it compulsory for all plans for new establishments, new plant and the utilisation of new processes of production to be submitted to the labour inspection service for its opinion as to whether the plans are in conformity with the laws and regulations concerning industrial health and safety? Yes. This would enable alterations to be suggested when new ideas are developed.

25. Do you consider that it should be laid down in a Recommendation that in any case the parties concerned should be required to submit to the labour inspection service the plans for new establishments, new plant and the utilisation of new processes of production respectively deemed under the national laws and regulations to be dangerous or unhealthy? Yes, even if 23 and 24 are not accepted.

Powers of Regulation after Undertakings have begun Work

26. Do you consider that the international regulations should lay down that inspection services should have the power, for preventive purposes, to take steps for remedying defects observed in the plant lay-out, or working methods of undertakings? Yes.

27. If so, do you consider that such power should include the two following mutually complementary rights:—

- (a) The right to make orders or have orders made—subject to the right of appeal to a judicial or administrative

tive authority provided by national legislation—requiring such alterations to the installation or plant as may be necessary for securing full and exact compliance with the laws and regulations relating to the health and safety of the workers, to be carried out within a time limit fixed by the inspection service? This is necessary in a vast country where factories are widely distributed and immediate contact with judicial authorities is not possible. Yes.

- (b) The right to take, or cause to be taken, measures with immediate executory force in the event of imminent danger to the health and safety of the workers?

28. Do you consider that the international regulations should further provide that where the procedure defined in question 27 would not be in accordance with the administrative of judicial system of the country, the inspection services should be empowered and required to apply to the competent authorities for the issue of orders, or for the taking of measures, with immediate executory force? Yes.

VII. Obligations of Employers and Workers

29. Do you consider that it should be laid down in a Recommendation that the labour inspection service should be given notice in advance of the opening of any industrial or commercial establishment and of extensive alterations to such establishments? Yes.

30. If so, do you consider that the obligation to give such notice to the labour inspection service should be imposed. —

- (a) upon any person who proposes to open an industrial or commercial establishment? Yes.
- (b) upon any person who proposes to make extensive alterations to such an establishment? and Yes, but extensive alterations must be defined.
- (c) upon any person who proposes to take over such an establishment? Yes.

31. Do you consider that the international regulations should lay down that the requisite measures must be taken to ensure that the labour inspection service is notified of industrial accidents and cases of industrial diseases in such a manner as may be determined by national law? Yes.

VIII. Penalties for Obstructing Inspectors

32. Do you consider that the international regulations should lay down that adequate penalties shall be prescribed by national law for obstructing labour inspectors in the performance of their duties? Yes.

IX. Enforcement Proceedings

33. Do you consider that the international regulations should require acceptance of the principle that, in the event of deliberate violation of or serious negligence in observing the law. The employer or his representatives shall be proceeded against without previous warning from the inspector, except in special cases where the law provides that notice shall be given in the first instance to the employer to carry out certain measures? Yes.

34. If so, do you consider it desirable to specify that this principle should not be interpreted as tending to deprive inspectors of any discretionary power normally allowed them of giving warning before taking proceedings in cases of contraventions of relatively slight importance? Yes.

35. Do you consider that the international regulations should lay down that adequate penalties shall be prescribed by national law for breaches of the legal provisions which the inspectors have to enforce? Yes.

X. Obligations of Labour Inspectors

A. INCOMPATIBILITY

36. Do you consider that the international regulations should lay down that labour inspectors should have no direct or indirect interest in the undertakings under their supervision? It is agreed that inspectors should neither have direct or indirect interest in undertaking supervision. If the regulation is to be properly enforced, "indirect interest" should be clearly defined.

B. PROFESSIONAL SECRETARY

37. Do you consider that the international regulations should lay down that labour inspectors should be bound, on pain of legal penalties or suitable disciplinary measures, not to disclose, even after leaving the service, any manufacturing or commercial secrets or working processes in general which Yes, but preferable to fix a time limit after leaving service.

may come to their knowledge in the course of their duties, except in cases, specified by national legislation, where the exigencies of the service so require?

38. Do you consider that the international regulations should lay down that any complaint submitted to an inspector to bring to his notice a defect or breach of the law must be treated by him as absolutely confidential?

Yes, very essential.

39. Do you consider that it should be laid down in addition that no intimation should be given by the inspector to the employer, or his representatives, that it is in consequence of the receipt of a complaint that a visit of inspection is being made?

Yes.

XI. Co-operation of Employers and Workers with the Labour Inspection Service

40. Do you consider that provision should be made in a Recommendation for the maintenance by the labour inspection services of active collaboration with the employers and workers concerned, and more particularly with their occupational organisations?

41. Do you consider that provision should be made in a Recommendation for the organisation of conferences, joint committees, and other bodies, in which delegates of the labour inspection services might discuss with representatives of the occupational organisations of employers and workers questions concerning the enforcement of labour legislation, and the health and safety of the workers?

As already explained in answering Qn. 3 (b), points covered by these questions are not suitable to form the subject matter of a Recommendation at least so far as countries in Asia are concerned.

42. Do you consider that the question of the institution in the undertakings of safety delegates and safety committees should be dealt with in a Recommendation?

Yes.

43. If so, do you consider that the Recommendation should contain a provision to the effect that staff delegates in establishments or workplaces subject to inspection should be enabled to collaborate with the employers, either directly or on safety committees, with a view to improving conditions of health and safety in the establishments or workplaces?

See answers to Qns. 40 and 41.

44. Do you further consider that it should be laid down in a Recommendation that staff delegates be authorised to get into touch with the officials of the inspection service when the latter are carrying out investigations in establishments or workplaces and, in particular, enquiries into industrial accidents or occupational diseases?

The conditions of inspection very so much from time to time even in the same factory that no recommendation of value can be laid down to cover this point. In general the Inspector gets the truest and best information when he is alone, but there are times when he should meet the Trade union and other delegates of the staff. It would be wrong, however, to weaken the Inspector's position by saying that he must always do this. In general the worst inspection is by a "delegation" or a number of people going round together. (From question No. 43, it appears that "staff delegates" mean Trade union officials or workers' representatives.)

XII. Methods and Standards of Inspection

A. GENERAL METHODS OF INSPECTION

45. Do you consider that provision should be made in a Recommendation for the adoption of a system of inspection which, while ensuring the prompt imposition of penalties for deliberate, repeated or concerted offences against labour legislation and serious cases of negligence in the application of legal provisions, would, in the case of less serious offences, allow the inspector to exercise his discretion in deciding whether to issue a warning before initiating penal proceedings? Yes.

B. EFFICIENCY OF INSPECTION

46. Do you consider that, with a view to permitting the inspection services to perform their work efficiently, the international regulations should lay down that the number of inspectors shall be determined with due regard for Yes.

(a) the importance of the duties to be performed, and in particular—

(i) the number, nature, size and situation of the establishments and workplaces liable to inspection?

(ii) the number and variety of the workers employed in such establishments and workplaces? and

(iii) the extent of the tasks entrusted to the inspection service, from the point of view of the number and the complexity of the legal provisions which it has to enforce?

(b) the extent of the material means placed at the disposal of the inspectors (telephone, means of transport, clerical assistance, office accommodation, etc.)? Yes.

(c) the practical conditions under which visits of inspection must be carried out in order to be effective (visits to be of reasonable duration—choice of the most appropriate moments for visits—necessity (of carrying out visits unexpectedly, etc.)?

47. As a means of guaranteeing efficiency of inspection, do you consider that the international regulations should lay down that inspectors should be adequately instructed in the performance of their duties? Yes.

48. Do you consider that provisions should be made in a Recommendation for the necessary steps being taken to ensure that employers and workers are given instruction as far as possible in labour legislation and questions of industrial hygiene and safety, more particularly by means of— Points covered by this question are not suitable for framing a recommendation, *vide* covering letter.

(i) lectures?

(ii) wireless talks?

(iii) health and safety exhibitions?

(iv) the distribution of explanatory pamphlets containing practical summaries of the legislative provisions?

(v) the inclusion of instruction in industrial health and safety in the curricula of technical schools?

49. Do you consider that any other appropriate means of instruction should be specifically mentioned? If so, which do you propose? Nil.

C. FREQUENCY OF VISITS

50. Do you consider that the international regulations should lay down a minimum degree (uniform or variable) of frequency of inspection as regards the establishments and workplaces liable to inspections?

51. (a) Do you consider that a special minimum degree of frequency of inspection should be laid down for establishments and workplaces in which dangerous machines are in use or in which dangerous or unhealthy working processes are carried on?

(b) If so, do you consider that the international regulations should lay down that such establishments and workplaces should be inspected at least once a year, and more often if necessary?

52. (a) Do you consider that as regards establishments and workplaces other than those mentioned in question 51 the minimum degree of frequency of inspection should be fixed by reference to the number of workers employed in the establishments and workplaces concerned?

No. Please see answers to question No. 53.

(b) If so, do you consider that the international regulations should lay down—

- (i) that as far as possible all industrial establishments and workplaces where more than five persons are employed should be inspected at least once a year?
- (ii) that as far as possible all commercial establishments where more than ten persons are employed should be inspected at least once a year—
- (iii) that all other establishments and workplaces should be inspected at least once every two years?

(c) If the minimum figures mentioned above (five workers for industrial establishments and workplaces, and ten workers for commercial establishments) do not meet with your approval, what other minimum figures would you suggest?

53. If you consider that the provisions mentioned in questions 51 and 52 would be too rigid, do you consider that the international regulations should provide—

(a) that all establishments and workplaces in which dangerous machines are in use, or in which dangerous or unhealthy working processes are carried on, should be inspected at least once a year, and more often if necessary? Agree.

(b) that other establishments and workplaces should be inspected as often as necessary in order to ensure the effective enforcement of labour legislation? Agree.

XIII. Reports of the Labour Inspection Service

A. INSPECTORS' PERIODICAL REPORTS

54. Do you consider that the international regulations should provide that labour inspectors or local inspection services should be required to submit to the central inspection authority periodical general reports on the results of their work in supervising the enforcement of labour legislation? Yes.

55. If so, do you consider that it should be laid down that such reports should be—

(a) drawn up in a prescribed form, and (b) submitted at as frequent intervals as possible, and at least once a year? Prescribed forms would lead to such rigidity as to spoil the value of the report except for certain statistics.

B. PUBLICATION OF ANNUAL REPORTS BY THE CENTRAL AUTHORITY

56. Do you consider that the international regulations should lay down that the central inspection authority should publish on annual general report on the work of the inspection services under its control? Yes.

57. If so, do you consider that it should be laid down that such annual reports should be published within a reasonable time, and in any case within 12 months of the end of the year to which they refer? Yes.

58. Do you consider that the international regulations should lay down that the annual reports published by the central inspection authority should be transmitted to the International Labour Office? Yes.

59. If so, do you consider that the international regulations should require such annual reports to be transmitted to the International Labour Office—

(a) within a reasonable period after their publication? Yes.

(b) within a period to be specified in the international regulations? No.

If you prefer the second solution, what period would you propose?

C. CONTENTS OF THE ANNUAL REPORTS PUBLISHED BY THE CENTRAL AUTHORITY

60. Do you consider that the international regulations should specify the essential subjects to be covered in the annual reports published by the central inspection authority? Yes.

61. If so, do you consider that it should be laid down in the Convention or Conventions that the annual reports should in particular cover the following subjects:

(a) Acts and regulations relevant to the work of the inspection service? Yes.

(b) Staff of the labour inspection service?

(c) Statistics of establishments or workplaces liable to inspection and of the number of workers therein employed?

(d) Statistics of inspection visits?

(e) Statistics of contraventions and penalties?

(f) Statistics of industrial accidents?

(g) Statistics of occupational diseases?

Please see answer to question 62(f) and (g). For reasons stated in that answer, (f) and (g) may be excluded for the present.

62. Do you consider that it should be further laid down in a Recommendation that the annual reports should supply the following detailed information, under the headings mentioned in question 61:

- (a) *Acts and regulations relevant to the work of the inspection service.*

Enumeration of the Acts and Regulations relevant to the work of the inspection service, on the understanding that the successive annual reports need only mention Acts and Regulations which have come into force during the period covered by each report? Yes.

- (b) *Staff of the labour inspection service.*

- (i) Aggregate number of inspectors?
 (ii) Classification of inspectors by grade and duties? Yes.
 (iii) Number of women inspectors?
 (iv) Geographical distribution of inspection services?

- (c) *Statistics of establishments or workplaces liable to inspection and of the number of workers therein employed (in so far as existing statistics make it possible to supply the information indicated under the following headings).*

- (i) Number of establishments or workplaces liable to inspection? Minimum statistics are necessary but the more they are in number the less efficient the staff will be in actual inspections because in practice the technical staff must at times be called in to verify or elucidate statistics. Again the more factories are asked to supply the less accurate they will be. It is suggested that (c) (ii) (iv) and (v) and (d) (ii) (v) & (vi) are not required and the others should be obtained in such manner that they can be handled and dealt with by the Statistical Department of the Government concerned without recourse to the Technical Inspectorate.
- (ii) Classification of establishments or workplaces visited by branches of economic activity (e.g., building, textile industry, chemical industry, etc.)?
- (iii) Average number of workers employed in such establishments or workplaces during the year?
- (iv) Classification of such workers by branches of economic activity (e.g., building, textile industry, chemical industry, etc.)?
- (v) Classification of workers employed under the following headings: men, women, young persons, and children?

- (d) *Statistics of inspection visits.*

- (i) Number of establishments or workplaces visited? On (f) and (g), Industrial accidents and occupational

(ii) Classification of establishments or workplaces visited by branches of economic activity (e.g., building, textile industry, chemical industry, etc.)?

(iii) Number of visits made?

(iv) Classification of visits made according to whether they were made—

by day;

by night;

(v) Number of workers employed in the establishments or workplaces visited more than once during the year?

(vi) Number of establishments or workplaces visited more than once during the year?

(e) *Statistics of contraventions and penalties.*

(i) Number of the infringements of the legal provisions noted?

(ii) Classification of such infringements according to the legal provisions to which they relate?

(iii) Number of infringements reported to the competent authorities?

(iv) Number of convictions?

(v) Nature of the penalties inflicted by the competent authorities in the various cases (fines, imprisonment, etc.)?

(f) *Statistics of industrial accidents.*

(i) Number of industrial accidents notified?

(ii) Classification of such accidents by branches of economic activity (e.g., building, textile industry, chemical industry, etc.)?

(iii) Classification of such accidents according to their cause.

diseases, it is suggested that the I.L.O. would be doing a great service if it would lay down fully for acceptance by all industrial countries the exact definition of an accident and industrial disease that should be reported, length of absence from duty, etc., classification by industry and if possible by machine, etc. It is thought that the time has come when this should be reviewed by a Technical Committee. Without such an international standard the progress of accident prevention in different countries cannot be compared.

(iv) Classification of such accidents according to their severity (fatal and non-fatal, total incapacity and partial incapacity)?

(v) Classification of such accidents according to the duration of incapacity?

(g) *Statistics of occupational diseases.*

(i) Number of cases of occupational diseases notified?

(ii) Classification of such cases according to occupation?

(iii) Classification of such cases according to their cause or character (nature of disease, nature of poisonous substance, unhealthy process, etc., to which the disease is due)?

(6). Have you any suggestions or proposals to make on any point not covered by this questionnaire, in particular, on any improved methods of inspection which may have been adopted as a result of the experience of recent years?

APPENDIX IV(b)

DRAFT CONVENTIONS RELATING TO NON-METROPOLITAN TERRITORIES

I

Proposed Convention Concerning Social Policy in Non-Metropolitan Territories

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning social policy in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,
adopts, this _____ day of _____ of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Social Policy (Non-Metropolitan Territories) Convention, 1947:

Part I—Obligations of Parties to Convention

ARTICLE 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes that the policies and measures set forth in the Convention shall be applied in the non-metropolitan territories for which it has or assumes responsibilities, including any trust territories for which it is the administering authority, other than the territories referred to in paragraphs 2 and 3 of this Article, subject to the concurrence of the Governments of the territories concerned in respect of any matters which are within the self-governing powers of the territories.

2. Where the subject matter of this Convention is wholly or primarily within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligation to apply the policies and measures set forth in this Convention.

3. A declaration accepting the obligation to apply the policies and measures set forth in this Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

Part II—General Principles

ARTICLE 2

1. All policies designed to apply to non-metropolitan territories shall be primarily directed to the well-being and development of the peoples of such territories and to the promotion of the desire on their part for social progress.

2. Policies of more general application shall be formulated with due regard to their effect upon the well-being of the peoples of non-metropolitan territories.

ARTICLE 3

1. In order to promote economic advancement and thus to lay the foundations of social progress, every effort shall be made to secure, on an international, regional, national or territorial basis, financial and technical assistance to the local administrations to further the economic development of non-metropolitan territories.

2. The terms under which such assistance is granted shall provide for such control by or co-operation with the local administrations in determining the nature of the economic development and the conditions under which the resulting work is undertaken as may be necessary to safeguard the interests of the peoples of such territories.

3. It shall be an aim of policy for all the responsible Government authorities to ensure that adequate funds are made available to provide public or private capital or both for development purposes on terms which secure to the peoples of non-metropolitan territories the fullest possible benefits from such development.

4. In appropriate cases, international, regional or national action shall be taken with a view to establishing conditions of trade which will encourage production at a high level and make possible the maintenance of reasonable standards of living for producers efficiently producing the important export products of non-metropolitan territories.

ARTICLE 4

All possible steps shall be taken by appropriate international, regional, national and territorial measures to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the protection of migrant workers, social security, standards of public services and general production.

ARTICLE 5

All possible steps shall be taken effectively to associate the peoples of non-metropolitan territories in the framing and execution of measures of social progress, preferably through their own elected representatives where appropriate and possible.

Part III—Improvement of Standards of Living

ARTICLE 6

The improvement of standards of living shall be regarded as the principal objective in the planning of economic development.

ARTICLE 7

1. All practicable measures shall be taken in the planning of economic development to harmonise such development with the healthy evolution of the social structure.

2. In particular, efforts shall be made to avoid, by such methods as the encouragement of suitable industries in rural areas and the promotion of organised urban life in areas of labour concentration where workers and their families can be established, the general disruption of family life through demands for labour at a distance from the homes of the workers.

ARTICLE 8

1. All practicable measures appropriate to local conditions shall be taken to secure for independent producers and wage earners conditions which will ensure the maintenance of minimum standards of living as ascertained by means of official enquiries into living conditions and will give scope to independent producers and wage earners to improve those standards by their own efforts.

2. In ascertaining the minimum standards of living, account shall be taken of such essential family needs of the workers as food and its nutritive value, housing, clothing, medical care and education.

Forms of economic enterprise which require the labour of workers living away from their homes shall take account of the normal family needs

ARTICLE 10

Where the labour resources of other areas are used on a temporary basis for the benefit of one area, measure shall be taken to encourage the transfer of part of the workers' wages and savings from the area of labour utilisation to the areas of labour supply.

ARTICLE 11

Where workers and their families move from low-cost to higher-cost areas, account shall be taken of the increased cost of living resulting from the change.

ARTICLE 12

The substitution of alcohol or other spirituous beverages for all or any part of wages for services performed by the worker shall be prohibited.

ARTICLE 13

The measures to be considered by the competent authorities for the promotion of productive capacity and the improvement of standards of living of agricultural producers shall include:

- (a) the elimination to the fullest practicable extent of the causes of chronic indebtedness;
- (b) the control of the alienation of agricultural land to non-agriculturalists so as to ensure that such alienation takes place only when it is in the best interest of the territory;
- (c) the supervision of tenancy arrangements and of working conditions with a view to securing for tenants and labourers the

highest practicable standards of living and an equitable share in any advantages which may result from improvements in productivity or in price levels;

- (d) the reduction of production and distribution costs by all practicable means and in particular by forming, encouraging and assisting producers' and consumers' co-operatives.

Part IV.—Non-Discrimination

ARTICLE 14

The standards set by law in each territory with respect to conditions of labour shall have due regard to the equitable economic treatment of all workers lawfully resident or working therein, irrespective of race, colour, religion or tribal association.

ARTICLE 15

1. Discrimination by reason of race, colour, religion or tribal association in respect of the admission of workers to public or private employment shall be prohibited.

2. All measures practicable under local conditions shall be taken to promote effective equality of treatment in respect of opportunities for employment and promotion by the provision of facilities for training, by the discouragement of discrimination on grounds of trade union membership, and by other appropriate means.

ARTICLE 16

1. It shall be an aim of policy effectively to establish the principle of equal wages for work of equal value in the same operation and undertaking and to prevent discrimination by reason of race, colour, religion or tribal association in respect of wage rates.

2. All practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, religion or tribal association.

3. Notwithstanding the provisions of the preceding paragraphs of this Article, workers engaged for employment from outside any non-metropolitan territory may be granted additional payments to meet any reasonable personal or family expenses resulting from employment away from their homes.

ARTICLE 17

All measures practicable under local conditions shall be taken to promote effective equality of treatment, irrespective of race, colour, religion or tribal association, in respect of discipline, working conditions and welfare arrangements.

ARTICLE 18

Discrimination in the negotiation of collective agreements shall be discouraged.

Part V.—Education and Training

ARTICLE 19

1. Adequate provision shall be made in non-metropolitan territories, to the maximum extent possible under local conditions, for the progressive development of broad systems of education, vocational training and apprenticeship, with a view to the elimination of illiteracy among children and young persons and to their effective preparation for a useful occupation.

2. In order that the child population may be able to profit by existing facilities for education and in order that the extension of these facilities may not be hindered by a demand for child labour, the employment of persons below the school-leaving age shall be prohibited in areas where educational facilities are provided on a scale adequate for the majority of the children of school age.

ARTICLE 20

1. In order to secure high productivity through the development of skilled labour in non-metropolitan territories, training in new techniques of production shall be provided in suitable cases in local, regional or metropolitan centres.

2. Such training shall be organised by or under the supervision of the competent authorities in consultation with the employers' and workers' organisations of the territory from which the trainees come and of the country of training.

Part VI.—Status of Women.

ARTICLE 21

The competent authorities shall take such measures, as, having due regard to local conditions, are appropriate and practicable to secure for women—

- (a) adequate opportunities of general education, vocational training and employment;
- (b) safeguards against physically harmful conditions of employment and economic exploitation, including safeguards for motherhood;
- (c) protection against any special forms of exploitation;
- (d) fair and equal treatment with men as regards remuneration and other conditions of employment.

Part VII.—Miscellaneous Provisions

ARTICLE 22

1. In respect of the territories covered by paragraph 1 of Article 1 of this Convention, each Member of the Organisation which ratifies this Convention shall append to its ratification or communicate to the Director-

General of the International Labour Office as soon as possible after ratification, a declaration stating—

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

ARTICLE 23

1. Declaration communicated to the Director-General of the International Labour Office in accordance with paragraphs 2 and 3 of Article 1 of this Convention shall indicate whether the provisions of the Convention will be applied in the territory concerned without modifications or subject to modifications.

When the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

2. The Member, Members or international authority concerned may, at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

ARTICLE 24

In respect of each territory for which there is force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

II

**PROPOSED CONVENTION CONCERNING THE RIGHT OF
ASSOCIATION AND THE SETTLEMENT OF LABOUR
DISPUTES IN NON-METROPOLITAN
TERRITORIES**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June, 1947, and

Having decided upon the adoption of certain proposals concerning the right of association and the settlement of labour disputes in non-metropolitan territories, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,
adopts, this day of of the year one thousand
nine hundred and forty-seven the following Convention, which may be
cited as the Right of Association (Non-Metropolitan Territories) Convention, 1947:

ARTICLE 1

This Convention applies to non-metropolitan territories.

ARTICLE 2

The rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

ARTICLE 3

1. All practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of machinery for conciliation, arbitration, minimum wage fixing and labour inspection.

2. Where representative organisations of workers have not developed, the competent authority shall seek the advice and guidance of the most representative metropolitan organisations in the appointment of persons specially qualified to act on behalf of the workers and to assist by advice and guidance in the early development of workers' organisations.

ARTICLE 4

All practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employees' organisations.

ARTICLE 5

All procedures for the investigation of dispute between employer and worker shall be as simple and expeditious as possible.

ARTICLE 6

1. Employers and workers shall be encouraged to avoid disputes, and if they arise to reach fair settlements by means of conciliation.

2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.

3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.

4. Where practicable, these officers shall be officers specially assigned to such duties.

ARTICLE 7

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.

2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

ARTICLE 8

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

ARTICLE 9

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

ARTICLE 10

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

III

PROPOSED CONVENTION CONCERNING LABOUR INSPECTORATES IN NON-METROPOLITAN TERRITORIES

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirtieth Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning labour inspectorates in non-metropolitan territories which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this day of of the year one thousand nine hundred and forty-seven the following Convention, which may be cited as the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947:

ARTICLE 1

This Convention applies to non-metropolitan territories.

ARTICLE 2

1. Labour inspection services shall be established in territories where such services do not already exist.

2. The inspectors shall have no direct or indirect interest in undertakings subject to their supervision.

ARTICLE 3

Workers and their representatives shall be afforded every facilities for communicating freely with the inspectors.

ARTICLE 4

1. Inspectors appointed by the competent authority and provided with credentials shall be required to inspect conditions of employment at frequent intervals.

2. Inspectors shall be authorised by law to exercise the following powers for the purpose of carrying out their duties—

- (a) the power to visit and inspect, at any hours of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed;
- (b) the power to enter by day any place which they may have reasonable cause to believe to be an undertaking, or part thereof, subject to their supervision;
- (c) the power to question any person employed in the undertaking, either alone or in the presence of witnesses, or to apply for information to any other person whose evidence they may consider necessary;

- (d) the power to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

3. Before leaving the undertaking, inspectors shall, if possible, notify the employer or his representative of their visit, unless they consider such a notification may be prejudicial to the performance of their duties.

ARTICLE 5

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the International Labour Office as soon as possible after ratification, a declaration stating—

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d), of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

ARTICLE 6

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of the Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

ARTICLE 7

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

ARTICLE 8

When a declaration undertaking that the provisions of the Labour Inspection Convention, 1947, shall be applied in respect of any territory has been communicated to the Director-General of the International Labour Office in pursuance of Article 29 of that Convention, or a declaration accepting the obligations of that Convention in respect of any territory has been so communicated in pursuance of Article 30 thereof, the provisions of Part III of this Convention shall cease to apply in respect of such territory.

IV

PROPOSED CONVENTION CONCERNING THE APPLICATION INTERNATIONAL LABOUR STANDARDS TO NON- METROPOLITAN TERRITORIES

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office, and having met in its Thirtieth Ses-
sion on 19 June, 1947, and

Having decided upon the adoption of certain proposals concerning
the application of international labour standards in non-metro-
politan territories, which is included in the third item on the
agenda of the Session, and

Having determined that these proposals shall take the form of an
international Convention,

adopts this day of the year one
thousand nine hundred and forty-seven the following Convention which
may be cited as the Labour Standards (Non-Metropolitan Territories) Con-
vention, 1947:

ARTICLE 1

1. Each Member of the International Labour Organisation which
ratifies this Convention shall communicate to the Director-General of the
International Labour Office with its ratification a declaration stating, in
respect of the territories referred to in Article 35 of the Constitution of
the International Labour Organisation as amended by the Constitution of
the International Labour Organisation Instrument of Amendment, 1946,
other than the territories referred to in paragraphs 4 and 5 of the said
Article as so amended, the extent to which it undertakes that the provi-
sions of the Conventions set forth in the Schedule to this Convention shall
be applied in respect of the said territories.

2. The aforesaid declaration shall state in respect of each of the
Conventions set forth in the Schedule to this Convention:—

- (a) the territories in respect of which the Member undertakes that
the provisions of the Convention shall be applied without modi-
fication;
- (b) the territories in respect of which the Member undertakes that
the provisions of the Convention shall be applied subject to
modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable
and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which the Member reserves its
decision.

3. The undertakings referred to in sub-paragraphs (a) and (b) of
paragraph 2 of this Article shall be deemed to be an integral part of the
ratification and shall have the force of ratification.

4. Any Member may at any time by a subsequent declaration cancel
in whole or in part any reservations made in its original declaration in
virtue of sub-paragraphs (b), (c) or (d) of paragraph 2 of this Article.

5. Any Member may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

ARTICLE 2

1. A declaration accepting the obligations of this Convention in respect of any non-metropolitan territory where the subject matter of the Conventions set forth in Schedule to this Convention is within the self-governing powers of the territory may be communicated to the Director-General of the International Labour Office by the Member responsible for the International relations of the territory in agreement with the Government of the territory.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office—

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority, or
- (b) by any international authority responsible for the administration of any territory in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of the Article shall "include an undertaking that the provisions of the Conventions set forth in the Schedule to this Convention shall be applied in the territory concerned either without modification or subject to modifications;" when the declaration indicates that the provisions of one or more of the said Conventions will be applied subject to modifications it shall give in respect of each such Convention details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of any one or more of the Conventions set forth in the Schedule.

ARTICLE 3

The competent authority may, by regulations published beforehand, exclude from the application of any provisions giving effect to any of the Conventions set forth in the Schedule undertakings or vessels in respect of which, from their nature and size, adequate supervision may be impracticable.

ARTICLE 4

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of one or more of the Conven-

tions set forth in the Schedule, the annual reports on the application of this Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

ARTICLE 5

1. The International Labour Conference, may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority amendments to the Schedule to this Convention including the provisions of further Conventions in the Schedule or substituting for the provisions of any Convention set forth in the Schedule the provisions of any Convention revising that Convention which may have been adopted by the Conference.

2. Each Member for which this Convention is in force and each territory for which a declaration accepting the obligations of this Convention in pursuance of Article 2 is in force shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the Conference, submit any such amendment to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Any such amendment shall become effective for each Member for which this Convention is in force on acceptance by the said Member and for each territory in respect of which a declaration accepting the obligations of the Convention in pursuance of Article 2 is in force, on acceptance in respect of the said territory.

4. When any such amendment becomes effective for any Member or for any territory in respect of which the obligations of this Convention have been accepted in pursuance of Article 2, the Member, Members or international authority concerned shall communicate to the Director-General of the International Labour Office a declaration giving, in respect of the Convention or Conventions the provisions of which have been included in the Schedule by the amendment, the particulars required by paragraph 2 of Article 1 or paragraph 3 of Article 2 as the case may be.

5. Any Member which ratifies this Convention after the date of the adoption of any such amendment by the Conference shall be deemed to have ratified the Convention as amended and any territory in respect of which the obligations of the Convention are accepted after that date in pursuance of Article 2 shall be deemed to have accepted the obligations of the Convention as amended.

SCHEDULE

MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937

ARTICLE 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly:

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; inclu-

ding shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.

- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

ARTICLE 3

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

ARTICLE 5

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either—

- (a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents;
- (b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall include full information concerning the age or ages prescribed by national laws in pursuance of sub-paragraph (a) of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers con-

ferred upon it in pursuance of subparagraph (b) of the preceding paragraph, as the case may be.

MINIMUM AGE (SEA) CONVENTION (REVISED), 1936

ARTICLE 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned: it excludes ships of war.

ARTICLE 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

ARTICLE 3

The provisions of Article 2 shall not apply to work done by children on school-ships or training-ships, provided that such work is approved and supervised by public authority.

ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

MINIMUM AGE (TRIMMERS AND STROKERS) CONVENTION, 1921

ARTICLE 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

ARTICLE 3

The provisions of Article 2 shall not apply—

- (a) to work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority;
- (b) to the employment of young persons on vessels mainly propelled by other means than steam;
- (c) to young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

ARTICLE 4

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

ARTICLE 5

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 6

Articles of agreement shall contain a brief summary of the provisions of this Convention.

MEDICAL EXAMINATION OF YOUNG PERSONS (SEA) CONVENTION, 1921

ARTICLE 1

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

ARTICLE 3

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

ARTICLE 4

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

NIGHT WORK (YOUNG PERSONS) CONVENTION, 1919

ARTICLE 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2

1. Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

2. Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night—

- (a) manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process);
- (b) glass works;
- (c) manufacture of paper;
- (d) manufacture of raw sugar;
- (e) gold mining reduction work.

ARTICLE 3

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. In coal and ignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

3. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

4. In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

ARTICLE 4

The provisions of Articles 2 and 3 shall not apply to the night work of younger persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

ARTICLE 7

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

CHILD BIRTH CONVENTION, 1919

ARTICLE 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed including shipbuilding and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure;
- (d) transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. For the purpose of this Convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

3. The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

ARTICLE 2

For the purpose of this Convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

ARTICLE 3

In any public or private industrial or commercial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

- (a) shall not be permitted to work during the six weeks following her confinement;
- (b) shall have the right to leave her work if she produces a medical certificate, stating that her confinement will probably take place within six weeks;
- (c) shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife; no

mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place;

- (d) shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

ARTICLE 4

Where a woman is absent from her work in accordance with paragraph (a) or (b) of Article 3 of this Convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

NIGHT WORK (WOMEN) CONVENTION (REVISED), 1934

ARTICLE 1

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

ARTICLE 2

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six

o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

ARTICLE 3

Woman without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

ARTICLE 4

Article 3 shall not apply:

- (a) in cases of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

ARTICLE 6

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

ARTICLE 7

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

ARTICLE 8

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

UNDERGROUND WORK (WOMEN) CONVENTION, 1935

ARTICLE 1

For the purpose of this Convention, the term "mine" includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth.

ARTICLE 2

No female, whatever her age, shall be employed on underground work in any mine.

ARTICLE 3

National laws or regulations may exempt from the above prohibition—

- (a) females holding positions of management who do not perform manual work;
- (b) females employed in health and welfare services;
- (c) females who, in the course of their studies, spend a period of training in the underground parts of a mine; and
- (d) any other females who may occasionally have to enter the underground parts of a mine for the purpose of a non-manual occupation.

EQUALITY OF TREATMENT (ACCIDENT COMPENSATION) CONVENTION, 1925

ARTICLE 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.

2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

ARTICLE 2

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

ARTICLE 3

The Members which ratify this Convention and which do not already possess system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

ARTICLE 4

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office,

which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

WORKMEN'S COMPENSATION (ACCIDENTS) CONVENTION, 1925

ARTICLE 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to ensure that workmen who suffer personal injury due to an industrial accident, or their dependants, shall be compensated on terms at least equal to those provided by this Convention.

ARTICLE 2

1. The laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatsoever nature, whether public or private.

2. It shall nevertheless be open to any Member to make such exceptions in its national legislation as it deems necessary in respect of—

- (a) persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business;
- (b) Out-workers;
- (c) members of the employer's family who work exclusively on his behalf and who live in his house;
- (d) non-manual workers whose remuneration exceeds a limit to be determined by national laws or regulations.

ARTICLE 3

This Convention shall not apply to

- (1) seamen and fishermen for whom provision shall be made by a later Convention;
- (2) persons covered by some special scheme, the terms of which are not less favourable than those of this Convention.

ARTICLE 4

This Convention shall not apply to agriculture, in respect of which the Convention concerning workmen's compensation in agriculture adopted by the International Labour Conference at its Third Session remains in force.

ARTICLE 5

The compensation payable to the injured workman, or his dependants, where permanent incapacity or death results from the injury, shall be paid in the form of periodical payments; provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.

ARTICLE 6

In case of incapacity, compensation shall be paid not later than as from the fifth day after the accident, whether it be payable by the employer, the

accident insurance institution, or the sickness insurance institution concerned.

ARTICLE 7

In case, where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation shall be provided.

ARTICLE 8

The national laws or regulations shall prescribe such measures of supervision and methods of review as are deemed necessary.

ARTICLE 9

Injured workmen shall be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.

ARTICLE 10

1. Injured workmen shall be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary; provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.

2. National laws or regulations shall provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

ARTICLE 11

The national laws or regulations shall make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances, in the event of the insolvency of the employer or insurer, the payment of compensation to workmen who suffer personal injury due to industrial accidents, or in case of death, to their dependants.

MARKING OF WEIGHT (PACKAGES TRANSPORTED BY VESSELS) CONVENTION, 1929

ARTICLE 1

1. Any package or object of one thousand kilograms (one metric ton) or more gross weight consigned within the territory of any Member which ratifies this Convention for transport by sea or inland waterway shall have had its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel.

2. In exceptional cases where it is difficult to determine the exact weight, national law or regulations may allow an approximate weight to be marked.

3. The obligation to see that this requirement is observed shall rest solely upon the Government of the country from which the package or object is consigned, and not on the Government of a country through which it passes on the way to its destination.

4. It shall be left to national laws or regulations to determine whether the obligation for having the weight marked as aforesaid shall fall on the consignor or on some other persons or body.

WEEKLY REST (INDUSTRY) CONVENTION, 1921

ARTICLE 1

1. For the purpose of this Convention, the term "industrial undertakings" includes:—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure;
- (d) transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

2. [Inapplicable.]

3. Where necessary, in addition to the above enumeration, each Member may define the line of division which separates industry from commerce and agriculture.

ARTICLE 2

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twentyfour consecutive hours.

2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.

3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

ARTICLE 3

Each Member may except from the application of the provisions of Article 2 persons employed in industrial undertakings in which only the members of one single family are employed.

ARTICLE 4

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

ARTICLE 5

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 4, except in cases where agreements or customs already provide for such periods.

ARTICLE 6

1. Each Member will draw up a list of the exceptions made under Articles 3 and 4 of this Convention and will communicate it to the International Labour Office, and thereafter in every second year any modifications of this list which shall have been made.

2. The International Labour Office will present a report on this subject to the General Conference of the International Labour Organisation.

ARTICLE 7

In order to facilitate the application of the provisions of this Convention, each employer, director, or manager, shall be obliged—

- (a) where the weekly rest is given to the whole of the staff collectively, to make known such days and hours of collective rest by means of notices posted conspicuously in the establishment or any other convenient place, or in any other manner approved by the Government.
- (b) where the rest period is not granted to the whole of the staff collectively, to make known, by means of a roster drawn up in accordance with the method approved by the legislation of country, or by a regulation of the competent authority, the workers or employees subject to a special system of rest, and to indicate that system.

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the
International Labour Office and having met in its Thirtieth
Session on 19 June 1947, and

Having decided upon the adoption of certain proposals concerning the maximum length of contracts of employment of indigenous workers, which is included in the third item on the agenda of the Session, and

adopts this day of, of the year
one thousand nine hundred and forty-seven the following Convention,
which may be cited as the Contracts of Employment (Indigenous Work-
ers) Convention, 1947 :

For the purpose of this Convention—

- ## ARTICLE 2

(a) contracts by which a worker enters the service of an indigenous employer who does not employ more than a limited number of workers prescribed by the regulations or satisfying some other criterion prescribed thereby;

2. The competent authority may, after consultation with the employers' and workers' organisations representative of the interests concerned, exclude from the application of this Convention contract entered into bet-

ween employers and literate workers whose freedom of choice in employment is satisfactorily safeguarded; such exclusion may apply to the whole of the workers in a territory, to the workers in any specified industry, to the workers in any specified undertaking, or to special groups of workers.

ARTICLE 3

The regulations shall prescribe the maximum period of service that may be stipulated or implied in any contract, whether written or oral.

ARTICLE 4

1. The maximum period of service for employment not involving a long and expensive journey shall in no case exceed twelve months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

2. The maximum period of service for employment involving a long and expensive journey shall in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

ARTICLE 5

1. When a contract made in one territory hereinafter called the territory of origin) relates to employment in a territory under a different administration (hereinafter called the territory of employment), the maximum period of service shall not exceed either the maximum period prescribed by the regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment.

2. The competent authorities of the territories of origin and of employment shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

ARTICLE 6

This Convention does not apply to contracts entered into before the coming into force of the Convention for the territory where the question of its applicability arises.

ARTICLE 7

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the I.L.O. Instrument of Amendment, 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall append to its ratification, or communicate to the Director-General of the I.L.O. as soon as possible after ratification, a declaration stating—

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied, without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modification, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. The undertaking referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be in integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories, as it may specify.

ARTICLE 8

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relation of that territory may, in agreement with the Government of the territory, communicate to the Director-General of the I.L.O. a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the I.L.O.

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise in respect of any such territory.

3. Declarations communicated to the Director-General of the I.L.O. in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article X, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

ARTICLE 9

In respect of each territory for which there is in force a declaration specifying modifications of the provisions of this Convention, the annual reports on the application of the Convention shall indicate the extent to which any progress has been made with a view to making it possible to renounce the right to have recourse to the said modifications.

APPENDIX IX(C)

INTERNATIONAL LABOUR OFFICE QUESTIONNAIRE ON EMPLOYMENT SERVICE ORGANISATION

I. Form of the International Regulations

1. Do you consider it desirable that the International Labour Conference should adopt international regulations concerning the organisation of an employment service and that these regulations should take the form of a Convention?

2. Do you consider it desirable to supplement the proposed Convention with one or more Recommendations on the subject?

II. Object of the Employment Service

3. Do you consider that the international regulations should provide that the essential duty of the employment service should be to ensure, in co-operation where necessary with other public and private bodies concerned, the best possible organisation of industrial, agricultural and other employment as an integral part of the national programme for the maintenance of full employment and the development and use of productive resources?

III. General Structure of the Employment Service

A. ADMINISTRATIVE ORGANISATION

4. Do you consider that the international regulations should stipulate that the employment service should be established on a national basis under the control of a central authority?

5. (a) Do you consider that the international regulations should provide for the establishment of regional employment service offices as units between the central headquarters of the service and the local employment offices?

(b) If so, do you consider

(i) that the regional offices should be responsible directly to the central headquarters of the employment service? and

(ii) that the local employment offices should be directly responsible to the regional offices?

6. Do you consider that the international regulations should provide for an integrated net-work of local employment offices adequate in number to serve each geographical area of the country, conveniently located from the standpoint of the employers and workers, and revised from time to time to take account of changes in the distribution of economic activity and of the working population?

7. (a) Do you consider that the international regulations should provide for national administrative instructions to be issued by the headquarters of the employment service and for national inspection of the employment service in order to secure co-ordination of the regional and local offices?

(b) What other methods, if any, do you suggest as useful and appropriate for this purpose?

8. (a) Do you consider that the international regulations should

provide for the formulation of minimum national standards to govern the staffing and material arrangements of the regional and local employment offices?

(b) Do you consider that the regulations should provide for the employment service to be financed wholly by the Central Government or, alternatively, for the costs of employment service operation to be shared by regional or local government units?

B. MACHINERY FOR MANAGEMENT—LABOUR COLLABORATION WITH THE EMPLOYMENT SERVICE

9. (a) Do you consider that the international regulations should specify that machinery should be established for securing the full co-operation of employers' and workers' representatives in employment service organisation—

(i) at the national level?

(ii) at the regional level?

(iii) at the local level?

(b) If so, do you consider that the regulations should specify that this machinery should consist of general advisory committees, set up at each administrative level and including equal numbers of employers' and workers' representatives, together with representatives of such other interests as may be considered useful according to national and local circumstances?

(c) Have you any suggestions concerning the functions of the committees that might be specified in the regulations?

10. (a) Do you consider that the international regulations should provide for the employment service to co-operate with any joint management—labour committees that may be set up to deal with the special problems of particular industries or undertakings?

(b) If so, have you any suggestions concerning the machinery and methods appropriate for this purpose?

C. SPECIALISATION OF EMPLOYMENT SERVICE WORK

11. (a) Do you consider that the international regulations should provide that the employment service should organise its activities primarily on an occupational basis, that is, with direct reference to the occupations of the persons seeking employment and the occupational characteristics of the workers required by employers?

(b) If so, do you consider that this should be done in general through internal arrangements within the employment offices, that is, through sections specialised in filling employers' orders for and in placing workers belonging to certain occupations, industries or groups of industries?

(c) In addition, do you consider that provision should be made for separate employment offices to be set up for workers in certain industries and occupations?

(d) If the answer to Question 11(c) is affirmative, do you consider that such arrangements might usefully be made according to national circumstances, for any or all of the following industries or occupations:

(i) port transport (dock labour)?

- (ii) merchant marine (seafarers)?
- (iii) railroads?
- (iv) building and civil engineering?
- (v) agriculture and forestry?
- (vi) domestic service?
- (vii) teaching?
- (viii) nursing?

12. (a) Do you consider that the international regulations should provide for specialised arrangements by the employment service on behalf of particular categories of workers in the employment market?

(b) If so, do you consider that such arrangements should be made in respect of:

- (i) juveniles?
- (ii) technical, professional and executive workers or salaried employees?
- (iii) disabled persons?
- (iv) ex-service personnel?

13. (a) Do you consider that for the placing of women the general organisation of placement work on an occupational basis is sufficient to ensure access to employment on the basis of individual merit?

(b) If not, do you consider that the international regulations should provide for the employment service to develop specialised arrangements for the placement of women applicants for employment?

14. Do you consider that the international regulations should provide for the co-ordination of any such specialised arrangements with the general work of the employment service?

IV. Specific Functions of the Employment Service and Methods of Application

A. COLLECTION OF INFORMATION CONCERNING EMPLOYMENT AND UNEMPLOYMENT

15. (a) Do you consider that the international regulations should state that the employment service should be responsible for collecting, in co-operation where necessary with other authorities, and for making available at regular intervals, comprehensive information on the situation and trend of employment and unemployment, both in the country, as a whole and in the different industries, occupations and areas?

(b) If so, do you consider that this information should cover any or all of the following subjects:

- (i) current and prospective labour requirements, including details as to the number and type of workers needed, classified on an industry and area basis?
- (ii) current and prospective supply of workers, classified by numbers, age and sex, skills, industries and areas?
- (iii) number, location and characteristics (occupational and otherwise) of unemployed persons, and the duration of their unemployment?

(c) In addition, do you consider that the regulations should provide for the employment service, in co-operation where necessary with other authorities, to make continuous and special studies of employment opportunities and trends, both generally and in the various industries and areas, the causes and incidence of unemployment, the factors affecting employment opportunities, the regularisation of employment, the skills required to do particular jobs and their inter-relationship, changes in skill requirements within the different industries, and other questions affecting the achievement and maintenance of full employment?

(d) Have you any suggestions to make concerning methods of collecting any or all of the above kinds of information in order that it may be as authoritative and useful as possible?

16. (a) Do you consider that the international regulations should provide for each country to draw up an annual national manpower budget, showing the anticipated volume and distribution of the national labour force in relation to the anticipated volume and distribution of the demand for labour?

(b) If so, do you consider that the manpower budget should be drawn up by the employment service,—

(i) alone? or

(ii) in co-operation with other public authorities?

17. Should provision be made for all this information to be made available systematically, and as soon as possible after its collection,

(i) to the Government agencies, employers' organisations and trade unions concerned?

(ii) to the International Labour Office?

B. GENERAL RECRUITMENT AND PLACEMENT OF WORKERS

18. Do you consider that the international regulations should provide that the employment service should have the primary responsibility for assisting workers to find suitable employment and for assisting employers to find suitable workers, and that for this purpose the employment service in each country should develop uniform procedures formulated on a national basis—

(i) for registering job seekers, recording details of their occupational qualifications, experience and desires, providing them with vocational guidance as may be required, interviewing them for employment, and referring them to available job vacancies?

(ii) for obtaining from employers particulars of their job vacancies and precise information concerning the nature of these vacancies and of the specifications to be met by the workers?

(iii) for clearing job vacancies and job applicants from the area of one employment office to another so that a national system of clearance may be maintained?

19. (a) Do you consider that the international regulations should provide for the employment service to develop rules to govern the referral of workers to available employment?

(b) If so, do you consider that these rules should be formulated on

a national basis and in co-operation with the representatives of employers' and workers' organisations?

(c) Do you consider that such rules should relate, *inter alia*, to any or all of the following factors:

- (i) the existence of a labour dispute?
- (ii) the existence of substandard wages or conditions of employment, as defined by law or regulation, or by prevailing practice, including collective agreements?
- (iii) the existence of employment practices which discriminate against applicants for employment on grounds unrelated to their working capacity?

(d) Do you suggest any other rules which should be included to govern the referral policy of the employment service?

C. ENCOURAGEMENT OF OCCUPATIONAL MOBILITY AMONG WORKERS

20. Do you consider that the international regulations should specify that the employment service should facilitate the occupational mobility necessary to adjust the supply of labour to present and prospective employment opportunities in the various occupations by any or all of the following methods:

- (i) provision of adequate and reliable information concerning job opportunities and working conditions in other occupations?
- (ii) measures aimed at overcoming social and psychological resistance to a change of occupation?
- (iii) measures aimed at eliminating unnecessary or illogical restrictions on entry into the various occupations?
- (iv) assistance to the appropriate authorities in developing and determining the content of training and retraining courses, in selecting persons for training or retraining, and in placing persons following the completion of training?
- (v) assistance to the competent authorities in defining and interpreting the conditions in which available employment outside the usual occupation of an unemployed person should be regarded as suitable for him, under penalty in case of refusal of suspension of unemployment benefits or allowance?

D. ENCOURAGEMENT OF GEOGRAPHICAL MOBILITY AMONG WORKERS

21. Do you consider that the international regulations should state that the employment service should facilitate the mobility of labour necessary to overcome localised unemployment in particular areas and to assist the movement of workers to areas with employment opportunities?

22. If so, do you consider that it should be specified that the employment service should take action to overcome the obstacles to transfers from one area to another by any or all of the following methods:

- (i) provision of authoritative information concerning employment opportunities and working and living conditions, including housing accommodation, in other areas?

- (ii) measures aimed at overcoming personal resistance to a change of residence?
- (iii) where workers are transferred from one area to another on the initiative or with the approval of the employment service, arrangements for the payment of travelling expenses by the employment service and additional financial assistance, fixed according to national and individual circumstances, to enable the workers to meet initial expenses in the new place of work or continuing liabilities in the former place of work?
- (v) assistance to the competent authorities in defining and interpreting the conditions in which available employment not accessible from the usual residence of an unemployed person should be regarded as suitable for him, under penalty, in case of refusal, or suspension of unemployment benefit or allowance?

23. In addition, do you consider that the regulations should state that the employment service should encourage temporary transfers of workers from one area to another where such transfers offer a practical solution to special problems of employment or unemployment in particular areas?

E. CO-OPERATION OF THE EMPLOYMENT SERVICE IN UN-EMPLOYMENT INSURANCE AND ASSISTANCE ADMINISTRATION

24. Do you consider that the international regulations should specify that the employment service should co-operate closely in the administration of unemployment insurance and assistance and other measures aimed at the relief of the unemployed?

F. ASSOCIATION OF THE EMPLOYMENT SERVICE WITH ACTIVITIES AFFECTING THE EMPLOYMENT SITUATION

25. (a) Do you consider that the international regulations should provide that the employment service should assist other public and private bodies in social and economic planning affecting the employment situation?

(b) If so, do you consider that for this purpose provision should be made for the employment service to be represented on any co-ordinating machinery set up in connection with the formation and application of policy relating to any or all of the following questions:

- (i) location of industry?
- (ii) public works?
- (iii) housing?
- (iv) the provision of social amenities (such as health care, schools and recreational centres)?
- (v) general community planning and organisation affecting the availability of employment?

V. Utilisation of Employment Service Facilities

26. Do you consider that the international regulations should state that the use of employment service facilities by employers seeking workers and by workers seeking employment should be on a voluntary basis so far as possible?

27. (a) If so, do you consider that any special measures should be taken by the public authorities, and in particular by the employment service, in co-operation with employers' and workers' organisations, to encourage as wide a use as possible of employment service facilities by employers and workers?

(b) What measures would you suggest for this purpose?

28. (a) Do you consider that provision should be made for special measures to require the use of employment service facilities in certain circumstances?

(b) If so, do you consider that any or all of the following measures should be specified:

- (i) that employers should be required to notify their job vacancies to the employment service?
- (ii) that vacancies on public works projects and in undertakings working on public orders to the extent of 75 per cent or more of their operations should be filled through the employment service?
- (iii) that persons applying for employment on public training programmes or for unemployment benefit or assistance should be required to register with the employment service?
- (iv) that juveniles and other persons entering employment for the first time should be required to register for employment and to attend for interview at an employment office?

29. Do you suggest any other methods of increasing the share of the employment service in the total volume of placements effected?

VI. International co-operation among employment services

30. (a) Do you consider that the international regulations should provide for international co-operation of national employment services, in appropriate cases and, if desired, with the help of the International Labour Office, by such means as:

- (i) bilateral agreements between the central employment service authorities of two countries?
- (ii) regional agreements among the employment services of groups of neighbouring countries?

(b) Have you any other methods to suggest for the promotion of international collaboration among national employment services?

VII. Private Employment Agencies

A. CO-ORDINATION BY THE PUBLIC EMPLOYMENT SERVICE

31. Do you consider that the international regulations should include provisions to ensure effective co-ordination by the public employment service of the operations of non-profit-making private agencies?

32. (a) Do you consider that the international regulations should provide that each national employment service should make continuous efforts to develop its work to such an extent and in such manner as to obviate the need for private employment agencies in all occupational fields?

(b) If so, have you any exceptions to this general principle to suggest (e.g., in respect of trade union placement arrangements approved by the employment service)?

B. PROPOSED REVISION OF THE FEE-CHARGING EMPLOYMENT AGENCIES CONVENTION, 1933

33. Do you consider that the 30th Session of the Conference should consider the question of the partial revision of the Fee-Charging Employment Agencies Convention, 1933, in accordance with the request made by the Swedish Government?

34. (a) If so, do you consider that, as requested by the Swedish Government, Article 3, paragraph 4(d) and Article 4(c) of the Convention should be revised?

35. (a) Do you consider that any other provision of the Fee-Charging Employment Agencies Convention, 1933, should be revised?

(b) If so, what provisions and what revision do you propose?

VIII. Supplementary Recommendation

36. Which, if any, of the above points should, in your opinion, be excluded from the Convention and included in a Recommendation?

ANSWERS TO I.L.O. QUESTIONNAIRE ON EMPLOYMENT SERVICE ORGANISATION

PREFATORY NOTE

Under the present Indian Constitution, legislative and executive authority in relation to the establishment and maintenance of Employment Service Organisation, rests with Provincial Governments. Purely as a temporary measure, Central Government have been given power to set up Employment Exchange Services for the benefit of persons employed in connection with last war, whether such employment was under Government or not. This power is exercisable, in the first instance, for a period of two years; the duration may be extended for a year, at a time subject to a maximum period of five years in all, including the initial period of two years. The future constitutional set up is now under discussion and it is not possible to say what will be the ultimate division of functions between the Central and Provincial Governments.

ANSWERS

Q. 1. A Convention is desirable, but due regard should be had to the difficulties of undeveloped and partially developed countries.

Q. 2. Yes.

Q. 3. As a long-term policy it will be desirable to make it the essential duty of the employment service to ensure that economic and other resources and the development of the internal economy of the country are designed to promote full employment. In course of time this should develop into international collaboration between countries supporting the Employment Convention to ensure that the resources within the countries concerned are jointly utilised with a view to achieving full employment in the individual countries and utilising to the best advantage the resources of the countries concerned. This would be the surest method of promoting full employment, higher productivity and output and raising the standard of living for the people of the world. The employment service in consultation with Departments responsible for supply and production should be made responsible for diverting workers into channels in which they can be most usefully employed.

In a country like India where the bulk of the population (at least 75 per cent.) is engaged in agriculture and where the problem is one of under-employment rather than unemployment, it would not be practicable to deal with industrial employment and agricultural employment under the same regulations.

India has just made beginning with an employment service in organised industry and a similar service for agriculture is not likely to be practicable for several years to come.

- Q. 4. In a country of the size and diversity of economic development like India, and having regard to the constitutional position explained in the prefatory note, the Central Government can only attempt co-ordination and general guidance and act as an Inter-Provincial clearing house. International regulations should, therefore, provide for the establishment of Employment Services on a Provincial or Regional basis under the control of the appropriate authority.
- Q. 5(a). Whether there should be Regional offices in between the Central headquarters of the service and local employment offices is a matter to be left to the discretion of the competent authority. It is not considered desirable to provide for this in a Convention.
- Qs. 5(b)(i) & (ii) Vide reply to (a) above.
- Q. 6. Yes.
- Q. 7(a) & (b). "Vide" Prefatory note and answer to question 4. Constitutionally, the Central Government in India cannot issue instructions or provide for inspection. Besides, requirements of individual Provincial Governments vary considerably according to the nature of the employment in the Provinces concerned.
- Q. 8(a). No. The extent of unemployment and conditions of employment vary considerably from country to country, and in the case of India from Province to province. The formulation of minimum national standards would, therefore, be impracticable.
- Q. 8(b). No. This should be left to each country to decide for itself.
- Q. 9(a). Yes, at all levels.
- Q. 9(b). Yes.
- Q. 9(c). The function should be purely advisory. The precise definition need not be specified in the regulations.
- Q. 10(a) & (b). The Government of India have insufficient knowledge of the working of joint management labour committees to express any opinion on this question.
- Q. 11(a). Yes.
- Q. 11(b). Yes.

- Q. 11(c). Separate employment offices for certain industries and occupations may be necessary but the needs will vary considerably from one country to another. It is felt, therefore, that this should be left to the discretion of each individual country.
- Q. 11(d). Vide answer to 11(c).
- Q. 12. Vide answer to question 11.
* * *
- Q. 13(a). No.
- Q. 13(b). It is considered desirable for separate sections to be set up in the Employment Exchanges for women applicants.
- Q. 14. This may be provided for in the form of a recommendation.
- Q. 15(a). Yes. But in countries which are at present industrially undeveloped it will be some time before it will be possible to collect adequate employment and unemployment statistics.
- Q. 15(b). Having regard to the difficulties of undeveloped countries and the fact that Employment Exchanges have been set up on a systematic basis so far in few countries only, it is considered that these matters should be the subject of a recommendation and not a convention. At this stage, in India, it would not be possible to collect accurate information on these subjects.
- Q. 15(c). Yes.
- Q. 15(d).
- Q. 16(a) & (b). At this stage in India the preparation of an annual manpower budget will be impracticable.
- Q. 17. Yes. Whatever information could be collected should be made available.
- Q. 18. Yes.
- Q. 19(a), (b) & (c). Yes.
- Q. 19(d). Yes.
- Q. 20. In the present stage of development in India any provision in regard to these matters should be in the form of a recommendation.

- Q. 21. Yes.
- Q. 22(i) & (ii). Yes.
- Q. 22(iii) & (iv). Not applicable to India at this stage as unemployment benefits and allowances are not payable.
- Q. 23. Yes.
- Q. 24. Does not arise at this stage as there is no provision for unemployment insurance or assistance in this country.
- Q. 25(a) & (b). Yes.
- Q. 26. Yes.
- Q. 27(a). Yes.
- Q. 27(b). In the case of Government employing agencies it is felt that executive instructions should be issued to the effect that all vacancies should be notified to the Exchanges and filled, wherever possible, from candidates submitted by them. It would not be advisable to instruct Government employing agencies to recruit all personnel through the Exchanges unless the employment service covered all categories of employment-seekers. In the case of private employers, it is considered that the usual methods of publicity and persuasion by personal contact are desirable. The most effective form of publicity will invariably result from the organisation itself in so far as it shown its ability to render efficient service.
- Q. 28(a). Yes, to the extent indicated in answers to (b).
- Q. 28(b)(i). No, with the exception of Government employing agencies or local authorities over which Government has control.
- Q. 28(b)(ii). It may be desirable to stipulate occasions that vacancies in public works projects and in undertakings working on public orders should be filled through the employment service but the exact percentage would be a matter for fixation according to the particular circumstances prevailing at the time.
- Q. 28(b)(iii). Not applicable to India.
- Q. 28(b)(iv). Not applicable to India at this stage.

Q. 29.

The aim of the employment service should not be to increase the share in the total volume of placing effected purely from the viewpoint of showing results. The aim of an employment service established by any country should be to render efficient service to employers and workers and this will automatically increase the percentage of the total volume of placements effected.

* * *

Q. 30(a).

Yes. But this should be provided for in the form of a recommendation.

Q. 30(b).

.....

Q. 31—35.

.....

Q. 36.

As mentioned against each individual item.

APPENDIX V

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) CENTRAL
RULES 1946 MEMORANDUM

Experience has shown that "Standing Orders" defining the conditions of recruitment, discharge, disciplinary action, holidays, leave, etc., go a long way towards minimising friction between the management and workers in industrial undertakings. Discussion on the subject at the Seventh Session of the Indian Labour Conference revealed a consensus of opinion in favour of legislation. An Act called the Industrial Employment (Standing Orders) Act 1946, has since been passed and it provides for the framing of Standing Orders in all industrial establishments employing one hundred or more workers.

2. Within 6 months from the date on which the Act becomes applicable to an industrial establishment, the employer is required to frame draft "Standing Orders" and submit them to the "Certifying Officer" for certification. The draft should cover all the matters specified in the schedule to the Act and any other matters that Government may prescribe by rules. The Certifying Officer will be empowered to modify or add to the draft Standing Orders so as to render them certifiable under the Act. It will not be his function (nor of the appellate authority) to adjudicate upon their fairness or reasonableness. There will be a right of appeal against the decisions of the "Certifying Officers." Rules have since been framed under Section 15 of the Act, in respect of industrial establishments in the Central Sphere setting out the model standing orders for the purpose of the Act.

The following matters have been provided in the Rules—

- (1) Form of application for certification of Standing Orders.
- (2) Particulars of workmen and trade union to be furnished with the draft Standing Orders.
- (3) Procedure to be adopted by Certifying Officers.
- (4) Form of register of Standing Orders to be maintained after certification.

The model standing orders appended to the Rules cover all the matters specified in the schedule to the Act.

APPENDIX VI

NOTE ON A CENSUS OF DISTRIBUTIVE TRADES AND SERVICES.
WITH A VIEW TO ASCERTAIN THE WAGES AND CONDITION
OF EMPLOYMENT IN THIS TYPE OF EMPLOYMENT—

The proposal is to have a Census of Distribution. By this it is meant a census of distributive trades (wholesale and retail) and services such as catering, hair dressing, laundering etc., and transport other than Railways. The object is to gather statistical information about the number and categories of such establishments, their location and size, capital invested, turn over and similar details; also to gather information about the number of employees, their wages or salaries and "conditions of employment". Such comprehensive information would be useful to Government, employers, workpeople and the general public. It would also be a necessary adjunct to the formulation of any estimates of per capita income and expenditure (consumption). Its usefulness for general economic purposes and planning would be another aspect of the work which requires earnest consideration. This is a very brief outline of the proposition and some details are worked out below.

2. While there is no statistical data to support the thesis, it will generally be accepted that quite a large proportion of the working population of any city is employed in wholesale and retail trade as also in services like catering, laundering, hair dressing, repair, transport and others. At this stage it may be mentioned that the reference here is not to workmen in the strictest sense but to employees of all classes, that is, persons who work for a living under a contract of employment. And such a wider definition is quite fair and in conformity with modern trends. It may also be stated that this section of the community is drawn mostly from educated or partially educated classes or rather from the middle and lower middle classes, as distinguished from the labouring classes. Again while some part of it may be engaged in manual occupations, quite a large number is employed in clerical, supervisory or semi-administrative situations. In that sense they are different from the working class population found in the lower income brackets and to that extent also their problems have special features. For this section of the community there is no data about the numbers employed in different categories of employment, their wages or salaries and conditions of employment. Nor is it known precisely where they are employed and in what numbers. The number of such establishments, their size and type of management, class or group, etc., are also not known. This complete lack of information may be contrasted with other types of employment. In addition to the data already available for Factory, Railway, Mines and other organised types of labour, the recent investigations of the Labour Investigation Committee have added quite a large volume. But clerical and administrative sections of commercial establishments, employees in shops, restaurants, repair services, laundries, hair dressing establishments and several other classes have been completely ignored. Once an attempt was made in Bombay in 1936 and an enquiry was conducted by the Bombay Labour Office into wages, hours of work and conditions of employment in the retail trade and it is known to all what a mass of useful information (quite a lot of it was unexpected) became available. But it may be pointed out that the enquiry was confined to retail trade only. What is now

proposed is a far bigger undertaking in the sense that a wider field is to be covered—a charting of the entire distributive field.

3. Such comprehensive data would be of the greatest public interest. It would be helpful in making plans for future legislation. If the information could be had quickly enough it would be of immense value to the Resettlement Advice Service, where at the moment no information could be given about opportunities of entering into trade. The Town Planning Authorities would also be able to draw on this data for making provision for shopping centres, their size and extent, and for different types of shops and service establishments. The advantages to trade and the workpeople would be equally great. This information would help the expansion of trade, its flow into different directions according to requirements of each locality, perhaps increase in employment but certainly improvement in wages and working conditions. It will be noticed that the proposal does not follow the traditional orthodox plan of a Census of Distribution as undertaken in foreign countries, like the U. S. A. and Canada, in as much as the details which would be required for general economic purposes are supplemented by questions about wages and conditions of work of employees. But it is felt that in India enquiries for purely economic purposes must wait at the moment. We must plan only such activities as would yield direct and immediate results which would help the workpeople. On the other hand, the survey would yield enough material for completing the existing gap in the statistics of per capita income and expenditure (consumption). This survey supplemented by an analysis of the data available in the records of the Rationing Authorities would go a long way in enabling better calculations of per capita consumption being made. So far as the per capita income estimates are concerned, with the Census of Production that is already being undertaken, our basic data would be fairly dependable. It is hoped that this brief outline would show what an enormous possibility there lies in a census of this kind.

4. While this may be the ultimate objective of the census it will be appreciated that it will not be possible to make an immediate start with a full-fledged survey. It is therefore suggested that a start may be made with a trial census with a limited questionnaire. The questionnaire may again be of two types—one for the large establishments and the other for small ones. It may be undertaken on a voluntary basis, if possible, and if not, under the Industrial Statistics Act, 1942. The agency may be the Provincial Labour Office. The questionnaires may be framed in consultation with the trade, represented through their associations or, better still, advisory panels may be constituted. The data may be collected with an assurance to the trade that the information supplied will be treated as confidential. For a successful census, a large measure of publicity or propaganda would be required to secure the co-operation of the parties concerned. It may be stated that the census requirements will mean some extra work and record-keeping on the part of the trade, and the smaller establishments may resent it but in the general interests of the country such extra effort must be made by every one who may be concerned. The period for which the data will be collected will be another matter which would require to be settled in consultation with the interests concerned. It will also be necessary to settle details about classification of establishments, determination of various sizes of establishments, types and groups of merchandise dealt with or services rendered. So also the question of the form of questionnaire or schedule. In this connection reference may be made to the punched card system whereby considerable time and labour are

saved at the tabulation stage if the form is properly drawn up. But these are matters of detail which could be gone into once the decision in favour of such a census is reached. On the other hand to indicate them briefly is necessary as upon the proper appreciation of the work involved and the organisation that will be necessary, the decision to have a census may ultimately depend even if the principle is an acceptable one.

5. A few of the questions which could be included in the type of the census now proposed may be:—

- (i) Name of the establishment
- (ii) Address
- (iii) Locality
- (iv) Class of establishment
- (v) Size of establishment
- (vi) Type of goods dealt with or services rendered
- (vii) Numbers employed, by categories and sex
- (viii) Rates of wages or salaries for each class or category of employees with incremental scales, if any
- (ix) Total wages paid
- (x) Details of conditions of employment
 - (a) Hours of work, spread-over and rest periods
 - (b) Overtime
 - (c) Rest days
 - (d) Leave and accumulation of leave
 - (e) Provident Fund, gratuity, pensions, bonus, etc.
- (xi) Capital originally invested, value of stocks, turnover etc.
- (xii) Floor space, rents paid, etc.
- (xiii) Scope for expansion; whether any plans in mind, etc. These and similar questions could be discussed with the interests concerned and family determined.

6. Once the preliminary work is done and the trial census completed it would be time to take stock of things and go forward with plans for a full-fledged census.

APPENDIX VII

ATTITUDE OF EMPLOYMENT EXCHANGES IN CASE OF STRIKES AND LOCKOUTS-

MEMORANDUM

The question of the attitude to be adopted by Employment Exchanges in the case of strikes or lockouts was discussed at the 7th Session of the Indian Labour Conference held in November 1945 and the Conference recommended the adoption of the Greek system which lays down that Employment Exchanges should not give their services in the following cases :—

- (1) for the placing of persons on strike if they have declared a strike after refusal to submit the dispute to a public authority or a Conciliation Committee appointed or proposed by the Minister of National Economy or to abide by the decision of such authority;
- (2) for the purpose of finding employees for those employers who have refused to submit disputes for arbitration or who declare a lock-out without having recourse to arbitration or after refusal to comply with the decision of the Conciliation Committee or public authority.

2. There were several difficulties in implementing the recommendation of the Indian Labour Conference. In India there is no specific legislation requiring compulsory notification of all trade disputes to specified authorities or for their compulsory submission to arbitration. The main defect in the Greek system is that it places on the Exchanges the responsibility for determining the cases in which assistance may be given. It would be difficult for Managers of Exchanges in India to shoulder this responsibility. There are no suitable authorities to whom this delicate function can be assigned. In view of the difficulties mentioned above the matter was again placed before the Standing Labour Committee at its 8th meeting held on the 15th and 16th March, 1946. It was pointed out to the Committee that it was open for Exchanges to adopt one of the following courses :—

- (i) to refuse to accept vacancies or register workpeople;
- (ii) to accept vacancies and to inform suitable applicants for the existence of the trade dispute before submission and to register workers involved in the dispute, informing prospective employers that they were available as a result of a trade dispute; and
- (iii) to accept vacancies and to submit workmen for employment without reservation.

No definite agreement could be reached by the Standing Labour Committee as to the course which should be accepted. The employers' representatives favoured the adoption of course (ii) while the workers' representatives were insistent on the adoption of course (i). It was decided that, pending consideration of the question again by the Indian Labour Conference, course No. (ii) should be adopted and instructions were issued to Employment Exchanges accordingly.

3. In view of the importance of the issues involved it was considered that in the meantime the Provincial Governments and employing Departments of the Central Government and Employers' Associations should be consulted in the matter and accordingly their opinions have been obtained. The Governments of Bengal, Bombay, Madras, Orissa, the Punjab and Sind as also the employing Departments of the Central Government, viz., Commerce; Works, Mines and Power; Industries and Supplies and Defence Departments are agreeable to the adoption of course (ii), namely, that Exchanges should accept vacancies and register workmen and inform the parties of the existence of the trade dispute. The Chief Commissioner, Delhi is also in favour of the adoption of this course. The Government of C.P., while agreeing to the adoption of course (ii) in respect of permanent vacancies, feel that the Exchanges should adopt course (i) in respect of vacancies lasting for the duration of the strikes or lock-outs. The Government of Assam have also expressed their views in favour of course (i), namely, that Exchanges should refuse to register workmen or accept vacancies in the event of a strike or lock-out. The Government of the United Provinces have recommended the adoption of the Greek procedure. The Government of N.W.F.P. have not expressed any opinion on the question. Trade Unions and Workers' Organisations have, however, unanimously favoured the adoption of course (i).

4. In view of the opinions expressed it now seems necessary that a final decision should be taken in the matter.

ANNEXURE I TO APPENDIX VII

Resolution to be moved by the All-India Trade Union Congress in Connection with the attitude of Employment Exchanges in case of strikes and lockouts

The Eighth Session of the Indian Labour Conference is of the opinion that the present policy adopted by the Government of India in permitting the Employment Exchanges to supply workers to employers whose workers are on strike is not calculated to inspire confidence of the workers. Moreover, it leads to indirect help being given by the Employment Exchanges to the employers to break strikes.

The Conference, therefore, earnestly requests the Government of India to issue orders asking Employment Exchange authorities to adopt an attitude of complete neutrality during strikes and give no assistance to employers whose workers are on strike.

APPENDIX VIII

BILL FOR REGULATING EMPLOYMENT OF DOCK LABOUR

Enclosed is a Bill for regulating employment of dock workers.

As the Bill has not been circulated well in advance, it may not be possible for the Conference to pronounce any definite opinion in regard to its provisions. It would, however, be useful to the Department to know their first reactions and any suggestions that may occur to them.

2. It is intended that the Bill should be published in the Gazette and circulated for opinion by executive order, so that it may be ready for further consideration at the next session of the Legislature. It is proposed to follow this procedure to avoid delay.

A
BILL

To provide for regulating the employment of dock workers

WHEREAS it is expedient to provide for regulating the employment of dock workers;

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Dock Workers (Regulation of Employment) Act, 1947.

(2) It extends to the whole of British India.

Definitions.

2. In this Act—

- (a) "cargo" includes anything carried or to be carried in a ship or other vessel;
- (b) "dock worker" means a person employed, or to be employed, in any port on work in connection with the loading, unloading, movement or storage of cargoes;
- (c) "employer", in relation to a dock worker, means the person by whom he is employed or to be employed as aforesaid;
- (d) "Government" means, in relation to any major port, the Central Government and, in relation to any other port, the Provincial Government;
- (e) "Scheme" means a scheme made under this Act.

Scheme for ensuring regular employment of workers.

3. (1) Provision may be made by scheme under this Act for the registration of dock workers with a view to ensuring greater regularity of employment and for regulating the employment of dock workers, whether registered or not, in a port.

(2) In particular, a scheme may provide—

- (a) for the application of the scheme to such classes of dock workers and employers as may be specified therein;
- (b) prescribing the obligation of dock workers and employers subject to the fulfilment of which the scheme may apply to

them and circumstances in which the scheme shall cease to apply to any dock workers or employers;

- (c) for regulating the recruitment and entry into the scheme of dock workers, and their registration, including the maintenance of registers, the removal, either temporarily or permanently, of names from the registers and the imposition of fees for registration;
- (d) for regulating the employment of dock workers, whether registered or not, and the terms and conditions of such employment, including rates of remuneration, hours of work and conditions as to holidays and pay in respect thereof;
- (e) for securing that, in respect of periods during which employment, or full employment, is not available for dock workers to whom the scheme applies and who are available for work, such workers will, subject to the conditions of the scheme, receive a minimum pay;
- (f) for prohibiting or restricting the employment of dock workers to whom the scheme does not apply and the employment of dock workers by employers to whom the scheme does not apply;
- (g) for the training and welfare of dock workers, in so far as satisfactory provision therefor does not exist apart from the scheme;
- (h) for the manner in which and the persons by whom, the cost of operating the scheme is to be defrayed;
- (i) for constituting or prescribing the authority to be responsible for the administration of the scheme; and
- (j) for such incidental and supplementary matters as may be necessary or expedient for the purposes of the scheme.

(2) A scheme may further provide—

- (a) that any employer who contravenes any specified provision of the nature referred to in clause (f) of sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, and that any employer, who having been convicted of such contravention, again contravenes any such provision as aforesaid shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both; and
- (b) that a contravention of any other specified provision of the scheme shall be punishable with fine which may extend to fifty rupees.

Making variation and revocation of schemes.

4. (1) The Government may, by notification in the official Gazette and subject to the condition of previous publication, make one or more schemes for a port or group of ports, and may in the like manner and subject to the like condition add to amend, vary or revoke any scheme made by it.

X of 1897.

- (2) The provisions of section 23 of the General Clauses Act, 1897,

shall apply to the exercise of a power given by Sub-Section (1) as they apply to the exercise of a power given by a Central Act to make rules subject to the condition of previous publication.

(3) The Government may direct the port authority of any port to prepare in accordance with such instructions as may from time to time be given to it, one or more draft schemes for the port, and the port authority shall comply with such direction.

Inspectors.

5. (1) The Government, may, by notification in the official Gazette appoint such persons as it thinks fit to be Inspectors for the purposes of this Act at such ports as may be specified in the notification.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

(3) An Inspector may, at any port for which he is appointed—

- (a) enter, with such assistance (if any) as he thinks fit, any premises or vessel where dock workers are employed;
- (b) require any authority or person to produce any register muster-roll or other document relating to the employment of dock workers, and examine such document; and
- (c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of any scheme made for the port, are or have been complied with.

Cognizance of offences.

6. (a) No Court shall take cognizance of any offence made punishable a scheme or any abetment thereof, except on a report in writing of the facts constituting such offence or abetment made by an Inspector or by a person specially authorized in this behalf by the Government.

V of 1898.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence made punishable by a scheme or an abetment thereof shall be triable only by a Presidency Magistrate or a Magistrate of the First Class.

Statment of Objects and Reasons.

The demand for dock labour is intermittent as it depends upon the arrival and departure of vessels and the size and nature of their cargo as well as seasonal and cyclical fluctuations. In all ports therefore there is usually labour in excess of minimum requirements and the tendency is for employers to encourage larger reserves than necessary in order to provide ample margins against emergencies. The main problem in connection with dock labour is therefore that of minimising the hardship due to unemployment or under-employment. The Royal Commission on Labour recommended as early as 1931 that a policy of decasualisation should be adopted with a view "to regulate the numbers of dock labourers in accordance with requirements and to ensure that the distribution of employment

depends not on the caprice of intermediaries, but on a system which as far as possible gives all efficient men an equal share." Government accepted these recommendations and efforts were made to induce Port Trusts to formulate schemes of decasualisation. The voluntary attempt was not a success and a scheme for compulsory registration was formulated in 1939, but it was not proceeded with due to the outbreak of war.

2. Although the operation of certain wartime factors like rationing and organised distribution of food-supplies facilitated the registration of labour at major ports, the problem, in the main, remains unsolved. It is now proposed to undertake legislation giving power to the Central Government in respect of major ports, for the registration of dock workers with a view to securing greater regularity of employment and for regulating the employment of dock workers. The schemes are intended to provide for the regulation of recruitment and registration of dock workers, payment to registered workers of minimum pay for days on which work may not be available to them and for regulating the employment of workers in docks whether registered or otherwise. Power will also be taken to prescribe rates of remuneration and conditions of service for registered dock workers and for the satisfactory provision for their training and welfare in so far as such provision does not exist apart from the scheme.

—APPENDIX IX

Constitution of the Indian Labour Conference and the Standing Labour COMMITTEE

The Indian Labour Conference and the Standing Labour Committee were constituted in 1942. According to the Constitution, the Conference was to consist of 44 representatives—22 representing Central, Provincial and State Governments, 11 representing employers and 11 representing workers. The Conference should meet at least once a year and its functions were “to advise the Government of India on any matters referred to it for advice, taking into account suggestions made by Provincial isations of workers and employers recognised for the purpose of the Conference.”

2. The Standing Labour Committee was to consist of 22 members, 10 representatives of Government, 5 of employers and 5 of workers. The Constitution provided that the Committee—

- “(a) should meet as often as it might be convened by the Central Government for the consideration of questions that might arise before it; and
- (b) should advise Government on any matters referred to it by Government, but that copies of such advice should be forwarded to all members of the plenary Conference, and to report to the plenary Conference upon any matters referred to it by that Conference.”

3. At the next Labour Conference held in September 1943, it was decided that delegates might be accompanied by advisers. Provision was accordingly made that—

- “(a) a delegate representing more than one province or State may be accompanied by one adviser each from such province or State other than his own,
- (b) a delegate representing the Government of India may be accompanied by not more than 3 advisers; and
- (c) each delegation representing employers and workers may be accompanied by advisers, not exceeding the number of delegates constituting the delegation.”

The advisers may speak but not vote.

4. After some experience was gained of the working of the Conference, it was found that the Constitution needed certain changes. They are briefly as described below:—

- (a) It was felt that there was no clear-cut division of functions between the Conference and the Standing Labour Committee. It was not that one was a deliberative body and another executive body. Both were deliberative, and the subjects discussed by both were of the same nature.
- (b) There being no clear-cut division between general questions and concrete problems, the discussion in the Conference, as well as in the Committee became too general to be of much use. Even concrete problems were treated as though they were general.
- (c) The provision relating to advisers also needed modification.

- (d) There was no machinery to undertake the task of examining special problems and reporting upon them.
- (e) There was no machinery to study and advise on problems of labour welfare, industry by industry.
- (f) There was criticism from the employers' side against the reservation of three seats, to be filled by nomination by Government.
- (g) The method of representation of labour was also said to suffer from the defect that among those who represented labour there were none who actually belonged to the working classes.
- (h) An analogy was also drawn between the I.L.O. and the Conference and it was claimed that the Conference both in its Constitution and procedure should be modelled on the I.L.O. and that it should have its right to decide its own agenda.

5. Dealing with the criticism that Labour Conference should be modelled on the I.L.O., the then Labour Member pointed out that the I.L.O. was an independent organisation created by an International treaty and that its Conventions and Recommendations placed definite obligations on Member-States, failure to fulfil which involved certain international liabilities. Its constitution was regulated by itself and it has its own independent finance. The Indian Labour Conference on the other hand, was not independent in the same sense as the I.L.O. was. It was only an advisory body constituted to advise the Government of India on such matters as were referred to it for advice. It could not take decisions on the question of the right of the Labour Conference to determine its agenda, the then Labour Member said Government could not surrender the right to frame the agenda for the Conference as Conference was not a Legislature or any independent authority.

Certain suggestions were placed before the Sixth Labour Conference for consideration.

Firstly it was suggested the subjects should be divided into two categories, one dealing with general subjects, such as terms and conditions of employment, labour legislation, questions relating to social security and the other dealing with all concrete questions relating to labour welfare and administration of labour laws. Subjects in list I should be assigned to the plenary Conference and a new body should be created, called the Labour Welfare Committee, which would consider subjects coming in List II.

Secondly the Standing Labour Committee should cease to be a deliberative body, and that it should act as the agent of the Conference and perform such duties as may be assigned to it from time to time. It would normally report to the Conference, but it should be open to Government to refer to it any matter on which it needed advice urgently.

6. These proposals were remitted for consideration by a Committee which reported that "no change need be made in the constitution" of the plenary Labour Conference and that it should continue to deal with all labour subjects. Its composition should remain unaltered; but in nominating representatives of employers and employees, not represented through recognised all-India Organisations, care should be taken that

they are drawn from classes which are not substantially represented on these Organisations and are by themselves truly representative of the interests concerned. In doing so, the aim should be to discourage separatist tendencies and accord representation only to such interests as cannot be affiliated to all-India Organisation.

The Standing Committee should maintain its present composition, but it should derive its powers from the Labour Conference. It should deal with specific general questions referred to it by the Conference for detailed examination and report, as also matters on which Government may desire similar examination before fuller discussion at the Conference. The latter will partake somewhat of the double discussion procedure in vogue at the International Labour Organisation. The recommendations and reports of the Committee should be made to the Conference except when the Conference itself directs the Committee to address them to Government or in cases of considerable urgency when, to avoid delay, Government may require early advice of the tripartite organisation but it will be open to the Committee to advise that no action should be taken in the latter class or case except after a full discussion at the Conference. The Committee also considered "that it would be difficult to set up a Labour Welfare Committee to deal with labour subjects on an all-India basis and preferred that a start should be made with *ad hoc* Committees on a tripartite basis either for different industries or on a regional or in all-India basis, according to requirements of each case." When the report of the Committee was discussed, workers' representatives desired the establishment of Industrial Committees on the lines of the I.L.O. The matter was left there, and a final decision was deferred for the time being.

7. Government have now decided to set up Industrial Committees for all principal industries. A Committee has been set up for Plantation Labour. Committees have been organised for coal mining and cotton textile industries. It is also proposed to set up Committees for other important industries. These Committees will discuss various specific problems special to the industries covered by them and submit their report to the Conference, which will co-ordinate their activities. In urgent cases, Government may take action on the basis of conclusions reached by the Committees, but even then, a report will be made to the main Conference of the action taken by Government.

8. The constitution of these Industrial Committees raises the question whether some change is not required in the constitution and functions of the Labour Conference and the Standing Labour Committee. If both these bodies are to serve as deliberative bodies, there is clearly no need for three meetings in a year or even two. Unless its constitution is revised, the Standing Labour Committee cannot serve as an executive body of the Labour Conference either. It is too big a body to serve as an efficient executive Committee. It has been set up more as a deliberative body than as an executive organisation. It is, therefore, suggested that the Standing Labour Committee should be abolished and should be replaced by a Standing Committee consisting of 12 members, 6 from the Government group, 3 from employers and 3 from workers. Even 12 is a somewhat unwieldy number for an executive body and a Committee of eight members might be just the right one. The Standing Committee which will be an executive body might be entrusted with the duty of giving full consideration to the agenda of the Conference, to submit a report of the conclusions on each item for the consideration of the Confer-

ence. This would provide for a preliminary examination at a fairly expert level of the various items coming up for the agenda. Discussions at the Conference would be more purposeful and to the point, if this preliminary examination could be arranged for. In addition, the Standing Committee may also consider the programme of the Conference and its future agenda. This would provide the necessary link between Conference and Government in regard to the agenda. In other words, while Government will continue to finally determine what the agenda should be, they would have an opportunity of knowing the views of employers' and workers, representatives on the subjects that may be suggested for discussion at the Conference. The Standing Committee will meet before the Conference, but in addition, meetings of the Committee could be arranged as and when found necessary.

9. Another question for consideration is whether the Labour Conference should consist of 44 representatives, and if so, representation should be assigned to the various bodies. For example, in regard to workers' representatives the question has been raised that equal representation should not be given to all organisations, irrespective of their size and standing in the country. The points for consideration are—

- (a) should the representation assigned to the different organisations represented at the Conference be modified, and if so, how;
- (b) should any other organisation be asked to nominate representatives, and if so, which; and
- (c) should Government continue to have a right to nominate some of the employers' and workers' representatives as at present, and if so, what arrangements should be made to provide for proper representation of unorganised employers and workers.

10. So long as the main Conference was dealing both with general questions and specific problems, there was probably justification for the presence of advisers. For the new set-up Industrial Committees will discuss all specific problems relating to individual industries. If the suggestion in paragraph 8 is accepted, the Conference will have the benefit of a preliminary examination of the items on the agenda by the Standing Committee, so that the plenary session will deal with only general principles. This being the case, there would be no necessity for advisers. If this is accepted the right of delegates to bring advisers might now be withdrawn.

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